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FIFTY YEARS OF CONCESSIONS TO IRELAND.

1831—1881.

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BY

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FIFTY YEARS OF CONCESSIONS TO IRELAND.

BOOK VI.
THE ENCUMBERED ESTATES ACT

CHAPTER I.

THE PEACE AFTER LIMERICK.

"WHAT, then, was the situation of Ireland at the Revolution, and what is it at this day? The whole power and property of the country have been conferred by successive monarchs of England upon an English colony, composed of three sets of English adventurers, who poured into this country at the termination of three successive rebellions. Confiscation is their common title; and from their first settlement they have been hemmed in on every side by the old inhabitants of the island, brooding over their discontents in sullen indignation."[1] So spoke Lord Clare in 1800, and, taking his words as my text, I shall endeavour, in the following pages, to give some account of the relation which subsisted between landlord and tenant in Ireland, from the signing of the Treaty of Limerick in 1691, to the passing of the

[1] Lord Clare's speech delivered in the Irish House of Lords on the Union, Feb. 10, 1800.

Encumbered Estates Act in 1849. Before entering upon my subject proper I shall notice, very briefly, those "confiscations" by which the "whole power and property of the country were conferred upon the English adventurers" to whom Lord Clare refers.

The confiscations were in the main four:—

In the reign of Queen Mary, the territories of the O'Moores and O'Connors in Offaly and Leix were confiscated; the districts of Offaly and Leix formed into the King's and Queen's Counties, and English settlers placed in possession of the lands of the expropriated Irish chiefs.[2]

In the reign of Elizabeth, the vast estates of Desmond, extending over the counties of Cork, Kerry, Limerick, Tipperary, and Waterford, and numbering 295,379 acres, were forfeited.[3] The Elizabethan confiscations were followed by the Plantation of Ulster and Leinster in the reign of James I., when 2,836,837 acres in the former, and about 450,000 acres in the latter province were wrested from the ancient proprietors.[4] Next, came the Cromwellian Settlement, when 11,000,000 acres—reduced at the Restoration (when Cromwell's scheme was re-adjusted) to 7,800,000 acres—were "settled" in the interests of the "English colony," to the wrong of "the old inhabitants of the island."[5]

[2] 3 and 4 Philip and Mary, caps. 1, 2. As there was no survey of these lands the number of acres which were forfeited cannot be stated.

[3] The first Irish survey of which we have any record was made in settling the Desmond Estates. See interesting paper on Irish Surveys, by Mr. Hardinge, in "The Transactions of the Royal Irish Academy," vol. viii. pp. 39—45; also vol. xxiv.

[4] See admirable map of the estates forfeited in the reigns of Mary, Elizabeth, and James I., in Mr. Walpole's excellent work, "The Kingdom of Ireland," p. 209.

[5] Referring to the Cromwellian confiscations, and the settlement at the Restoration, Lord Clare says:—"[Cromwell's] first act was to collect all the native Irish who had survived the general desolation and remained in the country, and to transplant them into the province of Connaught, which had been completely depopulated and laid waste in the progress of the rebellion. They were ordered to retire thither by a certain day, and forbidden

As a result of these Tudor, Stuart, and Cromwellian settlements, we find, that, in 1672 the "English, and

to repass the river Shannon on pain of death; and this sentence of deportation was rigidly enforced until the Restoration. Their ancient possessions were seized and given up to the conquerors, as were the possessions of every man who had taken a part in the rebellion, or followed the fortunes of the king after the murder of Charles I. This whole fund was distributed among the officers and soldiers of Cromwell's army, in satisfaction of the arrears of their pay, and among the adventurers who had advanced money to defray the expenses of the war. And thus a new colony of new settlers, composed of all the various sects which then infested England—Independents, Anabaptists, Seceders, Brownists, Socinians, Millenarians, and Dissenters of every description, many of them infected with the leaven of democracy—poured into Ireland, and were put into possession of the ancient inheritance of its inhabitants. I speak with great personal respect of these men when I state that a very considerable portion of the opulence and power of the kingdom of Ireland centres at this day in the descendants of this motley collection of English adventurers. It seems evident from the whole tenour of the declaration made by Charles II. at his restoration, that a private stipulation had been made by Monk in favour of Cromwell's soldiers and adventurers, who had been put into possession of the confiscated lands in Ireland; and it would have been an act of gross injustice on the part of the king to have overlooked their interests. The civil war of 1641 was a rebellion against the Crown of England, and the complete reduction of the Irish rebels by Cromwell redounded essentially to the advantage of the British empire. But, admitting the principle of this declaration in its fullest extent, it is impossible to defend the Acts of Settlement and Explanation by which it was carried into effect, and I could wish that modern asserters of Irish dignity and independence would take the trouble to read and understand them. The Act of Settlement professes to have for its object the execution of his Majesty's gracious declaration for the settlement of his kingdom of Ireland, and the satisfaction of the several interests of adventurers, soldiers, and others his subjects there; and after reciting the rebellion, the enormities committed in the progress of it, and the final reduction of the rebels by the king's English and Protestant subjects, by a general sweeping clause [it] vests in the king, his heirs and his successors, all estates, real or personal, of every kind whatsoever in the kingdom of Ireland, which at any time from the 21st of October, 1641, were seized or sequestered into the hands or to the use of Charles I., or the then king, or otherwise disposed of, set out or set apart by reason or on account of the rebellion, or which were allotted, assigned, or distributed to any person or persons for adventures, or arrears, reprisals, or otherwise, or whereof any soldier, adventurer, or other person was in possession for, or on account

Protestants, and the Church" held 5,140,000 out of a total of 7,500,000 acres of "good land;" 2,280,000 acres being retained by the Irish, and about 80,000 being held "in common stock."[6] Finally, to the Tudor, Stuart, and Cromwellian settlements succeeded forfeitures of the Revolution, when 1,060,692 acres—the "estates," to use the words of the Act of Parliament[7] which dealt with the subject, "of the rebels and traitors"—were applied in "ease of his Majesty's faithful subjects of this kingdom to the use of the public." Or, to put the matter in the plain language of Lord Clare, the "possessions" of three thousand nine hundred and seventy-eight Irish landed pro-

of, the rebellion. And, having thus, in the first instance, vested three-fourths of the land and personal property of the inhabitants of this island in the king, Commissioners are appointed with full and exclusive authority to hear and determine all claims upon the general fund, whether of officers and soldiers for arrears of pay, of adventurers who had advanced money for carrying on the war, or of innocent Papists, as they were called; in other words, of the old inhabitants of the island who had been dispossessed by Cromwell, not for having taken part in the rebellion against the English Crown, but for their attachment to the fortunes of Charles II. But with respect to this class of sufferers, who might naturally have expected a preference of claim, a clause is introduced by which they are postponed, after a decree of innocence by the Commissioners, until previous reprisal shall be made to Cromwell's soldiers and adventurers, who had obtained possession of their inheritance. I will not detain the House with a minute detail of the provisions of this Act thus passed for the settlement of Ireland; but I wish gentlemen, who call themselves the dignified and independent Irish nation, to know that seven millions eight hundred thousand acres of land were set out, under the authority of this Act, to a motley crew of English adventurers, civil and military, nearly to the total exclusion of the old inhabitants of the island. Many of the latter class who were innocent of the rebellion, lost their inheritance, as well from the difficulties imposed upon them by the Court of Claims in the proofs required of their innocence, as from a deficiency in the fund for reprisal to English adventurers, arising principally from a profuse grant made by the Crown to the Duke of York. The Parliament of Ireland having made this settlement of the island in effect on themselves, granted an hereditary revenue to the Crown as an indemnity for the forfeitures relinquished by Charles II." (Speech on the Union.)

[6] Petty, "Political Anatomy of Ireland," p. 16.

[7] Ireland 12 W. III. cap. 2 [English Act].

prietors were "sold under the authority of an English Act of Parliament to defray the expenses incurred by England in reducing the rebels of 1688."[8] The outcome of this—the last great act of summary confiscation—was the introduction into the country of "a new set of adventurers,"[9] and the reduction of the number of native owners of property in Ireland to less than one-seventh of the whole.

Having thus briefly referred to the "title-deeds" of the Irish landlords, I shall now endeavour to describe the character of the relation which existed between them and their tenants from the year 1691 onwards.

The first subject to which the English in Ireland turned their attention after the conquest of the island by William III. was the most effectual means of violating the Treaty of Limerick. That Treaty had, in all respects, been honourable to the vanquished nation.[1] The king, impelled by his necessities, and influenced by sentiments of justice, and generosity, had granted to the garrison of Limerick, and, through them, to all of the native race in Ireland,[2] conditions which reflected credit alike upon the conqueror and the conquered.[3]

[8] Speech on the Union. On the subject of the Williamite confiscations see Mr. Hardinge's paper on "Irish Surveys from 1688 to 1864," in the "Proceedings of the Royal Irish Academy," vol. xxiv. pt. ii. p. 265.

[9] Clare.

[1] "If the Irish offered terms, not as a conquered people, the general [Ginkel] made his propositions as to men who claimed attention and indulgence."—Leland, "History of Ireland," vol. iii. p. 616.

[2] "Those of Limerick treated not only for themselves, but for all the rest of their countrymen who were yet in arms."—Burnet, "History of his Own Times," vol. iv. p. 140. "[The garrison of Limerick] had the courage to insist upon, and the dexterity to obtain, articles not only for their own security, but which had a respect to the whole kingdom."—Clarke, "Life of James II." vol. ii. p. 465.

[3] "The king had given Ginkel secret directions that he should grant all the demands they [the Irish] could make that would put an end to that war."—Burnet, vol. iv. p. 139. "King William and his allies were engaged in a necessary war, not only to secure the liberties and properties of the English, but to protect Europe from the bound-

For, William, who was a brave soldier, and an astute politician, appreciated the valour of a gallant foe, and deemed it prudent rather to conciliate, than to provoke a people whose power was certainly broken, but whose spirit was not yet subdued.[4] "The husbandman,"

less ambition and intolerable tyranny of the French king, with whom King James was linked by indissoluble ties. While the king's troops were divided by means of the Irish war, his Majesty could not possibly proceed with the desired success in Flanders; and therefore to put a speedy end to the war, he sent instructions to the Lords Justices to issue a declaration, assuring the Irish of much more favourable conditions than they afterwards obtained by the articles of Limerick." —Harris, "Life of William III.," p. 372. "This surrender [of Limerick]," Harris elsewhere adds, "happened at a favourable conjuncture; a fleet sent by France to the relief of Limerick arriving in Dingle Bay a day or two after the articles were signed, which, had it got safe up to the town a few days before, might have probably protracted the war. It consisted (as appears by the minutes of a letter from the Lords Justices to the king) of 18 ships of war, 6 fireships, and 20 great vessels of burden, and brought on board between 8000 and 10,000 arms, 200 officers, and 3000 men, with which they could have reinforced the town had there been occasion. [The] articles were punctually executed, and a few doubts arising from some ambiguous words, they were explained in favour of the Irish; so desirous was the king to have all matters composed at home, that he might be at liberty to direct his whole force against the enemy abroad."—Ibid. 353. Story explains that the Irish were in a good position to treat with Ginkel, for "though [the English] had passed the river, yet [they] were as far as ever from entering the town," which was well victualled and garrisoned. In these circumstances Story asked Commissary-General Aspale "the reason of giving up the town; and his reply was that if they [the Irish] had been driven by necessity to yield, they must have accepted what terms we had pleased to give them; but since they were not, they had stood upon such as were for the advantage of their whole party."—Story, "A Continuation of the History of the Wars of Ireland," p. 279.

[4] "Touched by the fate of a gallant nation that had made itself the victim to French promises," says Sir Charles Wogan, "the Prince of Orange, before the decisive battle of Aughrim, offered the Irish Catholics the free exercise of their religion, half the churches of the kingdom, half the emoluments, civil and military too, and the moiety of their ancient properties."—Sir Charles Wogan to Swift; Swift's Works, vol. xviii. p. 10. "[William]," says Lord Taaffe, "saw, though others could not see, or would not see, that the Irish Catholics might by kind treatment, be rendered as good subjects as the Catholics in Holland, who served him faithfully, and fought under him against King James."—Taaffe, "Observations on Affairs in Ireland from the Settlement in

says Sir John Davies, referring to the relation of conqueror and conquered, "must first break the land, before it be made capable of good seed; and when it is thoroughly broken, if he do not forthwith cast good seed into it, it will grow wild again, and bear nothing but weeds. So a barbarous country must be first broken by a war before it will be capable of good government; and when it is fully subdued, and conquered, if it be not well planted, and governed, after the conquest, it will the sooner return to the former barbarism." "[The right of conquest]," says Montesquieu, "is a necessary, lawful, but unhappy power, which leaves the conqueror under a heavy obligation of repairing injuries done to humanity."

These were the views which William III., as a conqueror, held; and, acting on them, he made a peace which, being in great measure favourable to the conquered nation, was calculated to obliterate the memories of defeat, and to draw the hearts of the people towards a ruler, who had proved himself to be as magnanimous and brave, as his rival was pusillanimous and cowardly.[5]

1691 to the Present Time" [A.D. 1766], p. 6. "The liberal concessions [granted at Limerick] were," says Leland, "necessary to the king's immediate views and interests; nor is it just to this prince not to allow something to his equity and humanity."—Leland, "History of Ireland," vol. iii. pp. 616—617.

5 Perhaps, the best idea that could be given of William's intentions towards the Irish, after the surrender of Limerick, was conveyed in the design of the medal struck to "eternize" the event. The medal, according to Harris, "represented the busts of the king and queen, with their usual titles. On the reverse, Ireland is represented by a woman sitting on a heap of arms, and leaning on a scutcheon, containing the arms of the three kingdoms; with her left hand, she supports on her lap a harp, being the arms, of Ireland, and with her right hand presents an olive branch, the symbol of general pardon, to an Irishman embracing her knees. Behind her appears a soldier running towards the sea, holding a snake in one hand, and a torch in the other, which alludes to the troops, who by the articles of Limerick had liberty to pass into the French service, and thereby wait for an opportunity to set their country in flames. The legend, *Jam placidum sonitura melos*, "The harp from henceforth shall yield a pleasing

By the Treaty of Limerick, fairly interpreted, the native population were practically placed on a footing of perfect equality with the English settlers of the island. They were granted freedom of religious worship, allowed the use of arms, and confirmed in their proprietorial rights and privileges. They were entitled to sit in Parliament, to vote at elections, to practise law and medicine, and to engage in trade and commerce. In fact, as Ranke has well expressed it, "The upshot of the whole struggle [as settled at Limerick] was this: The Irish and Catholics must renounce all thought of acquiring independence, for which they had taken up arms; on the other hand, Protestantism could not have that exclusive mastery which many desired."[6]

Such, in brief, were the terms of the Treaty of Limerick. And to violate those terms in principle, and detail, the English in Ireland at once applied themselves with unscrupulous assiduity. What benefit was the conquest of Ireland to them if they were not allowed to rob and plunder? What good was the English connection if a single man of Irish race, and religion, was permitted to breathe freely in his native land? It was not for this that they had bled at the Boyne, and Aughrim, and fought before the walls of Limerick. Because these gentlemen, in the simplicity of their minds, were fain to believe, that it was they who had conquered for William, not William who had conquered for them.[7]

melody." In the exergue is this inscription: *Gulielmo III. et Mariâ Reginâ Hibernia devicta in gratiam recepta* 1691, "By the arms of William III. and Queen Mary, Ireland was subdued, and received to mercy, 1691."—Harris, "Life of William III.," p. 353.

[6] Ranke, "History of England," vol. v. pp. 30, 31. "[The Irish] were [by the Treaty of Limerick] admitted to all the privileges of subjects upon taking the oath of allegiance to their Majesties."—Burnet, "History of His Own Time," vol. iv. p. 145. The text of the Treaty will be found in Appendix E. of this volume.

[7] Mr. Green has neatly summed up what happened at the Boyne thus: "Early next *morning*, the 1st of July, 1690, the whole English army plunged into the river. The Irish foot, who at first fought

Story has well summarized the "objections" made by the English in Ireland to the observance of "the capitulations of Limerick." They considered, he says, that "the Lords Justices had condescended too far in granting the Irish any terms at all," for being "a

well, broke in a sudden panic as soon as the passage of the river was effected, but the horse made so gallant a stand that Schomberg fell in repulsing its charge, and for a time the English centre was held in check. With the arrival of William at the head of his left wing all was over."—Green, "History of the English People," vol. iv, p. 52. [In fact the Irish Colonial regiments [the Inniskillings] retired twice during the day before the Irish Native Horse. The circumstances were these: The Colonists having given way before the first charge made by the Irish horse at Dunore, William rode up immediately to them, and asked, "What will you do for me?" Thus appealed to, the officers of the Inniskillings encouraged their men to return to the attack, and William, placing himself at their head, led the way. But the Inniskillings, instead of advancing against the enemy, wheeled to the left, and performed a strategic movement to the rear. Their apologists explain this extraordinary conduct by stating that the Colonists merely committed a mistake, for, observing that William wheeled to the left (in reality to allow them to pass on to the charge), they wheeled to the left also, following the king. However this may be, William immediately rode away, from the Colonists, and placed himself at the head of the Dutch Dragoons. The fortune of the day seems to have been ultimately decided, after a well-contested fight, by the latter troops, who succeeded in checking the Irish, and so enabling the other Williamite regiments to rally, and take the offensive. The gallant Walker, of Londonderry fame, fell at the Boyne. The brave fellow deserved better treatment at the hands of his brother Colonists than he seems to have received. "He was shot a little beyond the river and stripped immediately, for the Scotch Irish that followed our camp were got through already and took off most of the plunder."—Story, "Impartial History," &c., p. 82. At Aughrim the Colonial regiments were also repulsed, and the fortune of the day was decided by the English, Dutch, and French regiments, and more effectually, perhaps, by the cannon-ball which carried away St. Ruth's head at a critical moment of the battle. But on the subject of the war of the Revolution in Ireland the reader may peruse with advantage and interest—Story, "Impartial History of the Affairs in Ireland," and "A Continuation of the History of the War in Ireland;" Harris, "Life of William III.;" Forman, "Courage of the Irish Nation;" "Macariæ Excidium;" Burnet, "History of His Own Time," vol. iv.; "Memoirs of the Duke of Berwick," vol. ii.; Clarke, "Life of James II.," vol. ii.; Dalrymple, "Memoirs;" Clarke, "Correspondence," MS.

slothful people, naturally inclined to spoil, rapine, stealth, and oppression," the opportunity of "destroying them root and branch" ought not to be neglected; "otherwise," these worthy Colonists opined, "it will be the justice of God to make them—now given up as the barbarous nations were formerly to the Jews—the instruments of our punishment."[8] Harris also describes the Colonial feeling on this subject. "The majority of the Protestants . . ." he says, "thought the Irish entitled to no articles but what would expose them to the severest events of war, and, therefore, when they understood, that, the Papists, in the Irish quarters, were to enjoy their estates, and be received as subjects, with some privileges concerning oaths, and religion, they censured the Lords Justices, and the general, as if the king, and kingdom, were betrayed, insisting, that, the articles ought not to be observed, and that it was high treason to capitulate, even with the king."[9] The English in Ireland, animated

[8] Story, "Continuation of the History of the War in Ireland," p. 274. We learn from another source how mercilessly the "victors" of the Boyne meant to deal with the vanquished race. In an interesting MSS. tract, which, I believe, has never been published, and which is supposed to be in the handwriting of a member of the Southwell family, the author, having expressed his views in favour of "lessening" the number of Papists in Ireland, says, "By lessening the number of Irish Papists I do not intend a destroying of them by fire, and sword, without any consideration of crimes, or age, for I am not of their minds who, possibly, were it in their power, would totally destroy the whole nation to a man." And he, elsewhere, adds, "I am not for an irreligious, ungodly, destroying of Irish Papists, by massacres, and murders, in cold blood, only because they are such." The author's policy, in fact, was to expatriate all the leading men of the native race, and, for the rest, to win over "the meaner sort" by acts of justice, and kindness. Brit. Mus. MSS. Add. 28,724. The date of this tract is A.D. 1695. Leland says that the "concessions" granted at Limerick "were detested by those Protestants who lived in an habitual hatred and horror of the Irish."—"History of Ireland," vol. iii. p. 616.

[9] "The Protestants of Ireland," says Gordon (himself a Protestant clergyman), "were enraged at the concessions made to the Catholics—concessions necessary to the state of William's affairs, and probably

by these sentiments, and, to use the language of Leland, "impatient to enjoy the estates of their enemies,"[1] proceeded with business-like regularity to tear the Treaty of Limerick into shreds.

Though the landlords showed every readiness to take the field, the credit of having opened this campaign of dishonour, and shame, belongs to a Protestant Episcopalian divine. Dr. Dopping, the Bishop of Meath, was the first man who preached the doctrine that no faith should be kept with the Irish; that no treaties entered into with them should be observed. From the pulpit of Christ Church, this ecclesiastic declared, not many weeks after the solemn compact made on the banks of the Shannon had been signed, and in the presence of the Lords Justices who had signed it, that, "the peace ought not to be observed with a people so perfidious; that they kept neither articles nor oaths longer than was for their interest;" and that "therefore these articles, which were intended for a security, would prove a snare, and would only enable the rebels to play their pranks over again at the first opportunity."[2] Happily for the reputation of the Protestant Episcopalian Church in Ireland at this time, the views of the Bishop of Meath were not held by all the other ecclesiastics within her pale. Dr. Moreton, the Bishop of Kildare, urged the necessity of keeping the public faith, which had been pledged at Limerick, and of treating the Papists with justice, and as fellow-subjects; while Dean Synge, adopting a middle course, and preaching from the dubious text, 'Keep peace with all men if it be possible," asserted

greeable to his idea of justice."—Gordon, "History of Ireland," vol. ii. p. 179.

[1] "[The articles of Limerick] were provoking to those who studied the extension and security of the English interest, or were impatient to enjoy the estates of their enemies."—Leland, "History of Ireland," vol. iii. p. 616.

[2] The "rebels" had had an opportunity, but they did not play their "pranks." On the contrary, they kept faith with their enemies.—*Ante*, p. 6, n.

that, though "Papists were not to be trusted," yet, that, "the articles ought to be performed, even for the sake of conscience and honour."[3]

The doctrine and principles of the Bishop of Meath prevailed, however, with that respectable body of men who assembled at Chichester House, Dublin, in October, 1692, and who composed the first Irish Parliament of the Revolution.

It is no part of my present purpose to write a history of the Penal Laws, or indeed to dwell on those enactments, save in so far as they affect the question of the land. It may, however, be worth while to briefly record the steps by which the Anglo-Irish Colonial Parliament proceeded to destroy the civil and religious liberties—guaranteed by the Treaty of Limerick—of the native race.

Parliament met on the 5th of October, 1692. The business of the session was commenced by the adoption of resolutions excluding Catholics from both Houses.[4]

[3] Harris, "Life of William III.," p. 372. William dismissed Dopping from the Privy Council in consequence of his sermon, and put Moreton in his place.—Ibid.

[4] Such, practically, was the effect of the action taken in both Houses, but technically, a motion was made in the Commons proposing that "a late Act of Parliament made in England in the third year of their Majesties' reign, intituled, 'An Act for abrogating the oath of Supremacy in Ireland, and appointing other oaths,' should be read, whereupon the House immediately proceeded to the swearing of their members."—Journals of Irish House of Commons, vol. ii. p. 598. There is no entry in the Lords' Journals of a similar motion, but it is stated that "the Lords, with the judges, masters in Chancery, officers of the House following, took the oaths and subscribed the declaration according to the Act of Parliament made in England, intituled, &c."—Journals of the House of Lords, vol. i. p. 447. The Act here referred to was the 3 Will. and Mary, cap. 2, which made it necessary (*inter alia*) for members of Parliament to take the oath of Supremacy and subscribe the declaration against Transubstantiation. As the 9th Article of the Treaty of Limerick obliged Irish Catholics to take the oath of allegiance only, the Act in question would have operated as a violation of the Treaty had not those persons comprised within the terms of that document been exempted from its scope (sec. 10 of 3 W. & M. cap. 2). But the Colonial Parliament, in adopting the English act, adopted it *minus* the section which recognized the public obligations

These initiatory steps were promptly followed by others of equal harshness and duplicity. Two members of the House of Commons[5] were expelled because they had sympathized with the national cause during the war, and two members of the House of Peers[6] were similarly punished because they refused to take the oath of Supremacy, and to subscribe the declaration against Transubstantiation. Having thus cleared the way for action, the House of Commons appointed a "Committee of Grievances," which reported that "the great number of armed Papists in the country, and of able, serviceable horses in their hands, was a great grievance;"[7] and the House of Lords appointed a "Committee of Religion," which declared that "Popish holidays" ought "to be abrogated."[8]

While the Colonial Legislature was in this fashion settling down to work, the Colonial State Church was not backward in stimulating their energies and encouraging their designs. On the 23rd of October, the Bishop of Cork, we learn, "preached boldly against the Irish;" and so much pleased was the House of Lords with this performance that they "voted the thanks of

contracted at Limerick. Therefore, it seems more correct to say that, the Irish Penal Code began with the resolutions of the Colonial Parliament, than, as has been said, with the English Act. But see on this subject—Killen, "Eccles. History of Ireland," vol. ii. p. 179; Lecky, "Leaders of Public Opinion in Ireland," p. 124; Nary, "Case of the Catholics of Ireland," p. 100; Macaulay, "History of England," vol. ii. p. 128, and vol. iv. pp. 123, 124; Hansard, vol. 18, N.S. p. 990; Plowden, "Historical Review of the State of Ireland," vol. i. p. 197, n; Froude, "English in Ireland," vol. i. pp. 244, 250 (1881), Popular Edition; O'Conor, "History of Irish Catholics," pp. 113, 115; Parnell, "History of the Penal Laws," pp. 5—19; Wright, "History of Ireland," vol. ii. pp. 123—125.

[5] Crofts, member for the borough of Charleville, co. Cork, and O'Farrell, member for Lanesborough, Co. Longford.—Journals of Irish House of Commons, vol. ii. pp. 596—602; Harris, "Life of William III.," p. 373.

[6] Lords Mountgarret and Kingsland.—Journals of Irish House of Lords, vol. i. p. 466.

[7] Journals of Irish House of Commons, vol. ii. p. 599.

[8] Journals of Irish House of Lords, vol. i. p. 465.

the House to be given" to his Grace "for his sermon, with their desire that he should print it."[9]

Nevertheless, no legislative enactments against the Irish were carried this session. Indeed, hon. members, and noble lords, had scarcely had time to show their teeth before Parliament was prorogued, and finally dissolved.[1] What the Colonists thought of the Lord Lieutenant—Lord Sydney—in thus abruptly dismissing the Colonial Legislature we learn from Harris. "The Parliament of Ireland," says the author of "The Life of William III.," "[was] discontented at being checked, and prorogued by Lord Sydney before their Bills were perfected, or just grievances redressed, which created no good humour in the kingdom. The English there thought the Government favoured the Irish too much, whilst others judged it necessary to protect the Irish from the persecutions of the English, who were much sharpened against them."[2] Or, to put the matter in other words, Lord Sydney, who was a man of honour, desired to observe the capitulations of Limerick, while the Colonists, whose notions of public faith, treaty obligations, and plain morality, were loose, and shameless, had resolved to violate them.

William did not convene his second Irish Parliament until the 27th of August, 1695. Sydney had by this time ceased to be Lord Lieutenant, and his place was filled by Lord Capel, a man after the Colonial mind and heart.[3]

[9] Bishop Marsh's Diary, in Mant, "History of the Church of Ireland," vol. ii. p. 54.

[1] Parliament was prorogued on the 3rd of November, 1692, to the 8th of April, 1693. It was then prorogued from time to time, and ultimately dissolved on the 5th of November, 1693.

[2] One of the just grievances, it will be remembered, was that Papists had too many "able and serviceable horses."—*Ante*, p. 13; Harris, p. 383.

[3] Sydney had been replaced in 1693 by Capel, Wyche, and Duncombe as Lords Justices. Wyche and Duncombe were desirous of treating the natives with justice; Capel was not. Finally, the two

"He," Harris tells us, "studied to render himself popular by espousing the interests of the English, without any nice regard to justice or equity. He was too easily set on by a party (whom the articles of Limerick and Galway had most chagrined) to do everything to gain applause, and proceeded, so far as it was in his power, to expurge those articles which the King's Ministers were bound to see strictly performed."[4]

With a Viceroy of such congenial inclinations, the Colonial Legislature was able to make more progress in the policy of "reducing" the Irish than had been possible under the honest administration of Lord Sydney. The suggestions and recommendations of the "Committee of Grievances," and "the Committee of Religion," were promptly attended to, and the work of degrading the native race was vigorously commenced. No Papist was allowed to keep a horse of the value of more than five pounds;[5] Popish holidays were abrogated.[6] Popish citizens were disarmed;[7] Popish

former were withdrawn and the latter was sent back as sole Governor, in May, 1695.

[4] Harris, p. 417. See also Burnet, "History of His Own Time," vol. iv. pp. 277, 278.

[5] 7 William III. cap. 5, sec. 10. This Act provided that, no matter how valuable might be a horse owned by a Papist, a Protestant might seize it on a tender of 5*l.* 5*s.* A Catholic gentleman, named MacGeoghan, drove into Mullingar on one occasion in his carriage drawn by two beautiful horses. A Protestant, who was there, claimed the horses under this Act, whereupon MacGeoghan drew out a brace of pistols and shot the animals on the spot. Another story is told of a stalwart priest, named Barnwall, who had been presented with a handsome steed, which was claimed in the same way. Most reluctantly the horse was surrendered, but as the new proprietor was riding off Barnwall reminded him that he had no right to the saddle and bridle. The stranger scoffed at this suggestion, whereupon the priest, with a blow of his whip, stretched him on the ground. Barnwall was immediately taken before a justice of the peace, but the friendly magistrate acquitted him on the plea that the complainant was taking forcible possession of the accoutrements.—Killen, "Ecclesiastical History of Ireland," vol. ii. p. 178, n., and Cogan, "Diocese of Meath," vol. ii. pp. 419, 268.

[6] 7 William III. cap. 14.

[7] 7 William III. cap. 5.

bishops and the regular clergy were banished;[8] foreign education was restrained;[9] Popish lawyers were disqualified;[1] and even Protestants were forbidden the luxury of a Catholic wife.[2]

When the majority of these measures had been carried, Parliament then proceeded with exquisite irony to pass an Act for the "Confirmation of the Treaty of Limerick."[3] This Act, which constituted as gross a violation of the document it purported to "confirm" as could well be conceived, omitted altogether the first article of the Treaty, by which the Catholics were secured in the free exercise of their religion, and guaranteed against "any disturbance upon account of" it, and made an alteration in the second article, which practically abrogated it. The history of the second article, and of its mutilation by the Colonial Parliament, is curious and instructive. As originally drafted the article provided that the in-

[8] 9 William III. cap. 1. It was thought that when the bishops and the regular clergy were got rid of, the secular priests would gladly give their service to the State Church. The number of the regular clergy driven out of Ireland under this Act in 1698 was 454.—Brenan's "Ecclesiastical History," p. 490. It has been stated that at this time only twenty-five priests remained in the County and City of Cork.—Bennett, "History of Bandon," p. 289; also Killen, "Ecclesiastical History," vol. ii. p. 179, n.

[9] 7 William III. cap. 4,

[1] 10 William III. cap. 13. Curry says that a chief reason for disqualifying Papists was lest they should be useful in helping to bring about the reversal of outlawry.—"Civil Wars of Ireland, from the Reformation to the Revolution, with an Account of the State of the Catholics from 1691 to 1778," vol. ii. p. 257.

[2] 9 William III. cap 3. By section 2 any Protestant marrying a Catholic wife was to be deemed a Papist, and to be disabled from sitting in either House of Parliament, "unless such person so marrying shall within a year after such marriage procure such wife to be converted to the Protestant religion." In 1727 a Committee of the Irish House of Commons decided that under this Act Protestants married to Papist wives were disqualified to vote for members of Parliament. —O'Donoghue, "Historical Memoir of the O'Briens," p. 386. Killen, "Ecclesiastical History," vol. ii. p. 198, n.

[3] 9 William III. cap. 2.

habitants of Limerick, and of every other garrison town in possession of the Irish, and all officers and soldiers in arms under any commission from King James, in the counties of Limerick, Cork, Kerry, Clare, and Mayo, and *all such as were under their protection in the said counties*, should retain such estates, interests, and privileges as belonged to them in the time of Charles II., or at any time during which the laws of Charles II. were in force.[4] When the draft came to be engrossed the words in italics were omitted. Sarsfield's attention was called to this omission, and he requested that the words left out should be inserted. The English General refused, but the French fleet was now in the Shannon, and Sarsfield insisted. Finally, Ginkel gave way, promising that the wishes of the Irish commander should be complied with.[5] As

[4] "Since Charles II.'s restoration the [Papists] have no occasion to complain. They have been equally protected by the law."—"The State of Ireland," &c., by a person of honour; London, 1688.

[5] ". . . All that the French and Irish officers insisted on after the coming of their fleet was only to have a clause confirmed that was casually omitted in the articles, which the general promised them. For it being late at night when the articles were agreed to, and being engrossed in haste, this clause, "and all such as are under their protection in the said counties," was omitted by the engrosser, though it was certainly inserted in the draft. This was what the Irish officers desired might be made good after the coming of the French fleet. And first, it was but reasonable, seeing it was within the intent of the articles. Secondly, it was prudence not to deny it, since the French fleet being 18 men-of-war, 4 fire-ships, and 20 ships of burden, was certainly too much for Captain Coal and his squadron then in the Shannon, and might have put what men and provisions they pleased into the English town; our army also being gone to quarters, we had only five regiments in the Irish town with my Lord Drogheda's and my Lord Lisburn's. Encamped without the walls, provisions also were so scarce with us that our men had only a pint of meal a day allowed them, and the Irish in the other town were not only more in numbers, but better provided, so that if justice could not have obliged the general to the confirmation of that clause, yet discretion at that juncture would."—Story, "Continuation of the History of the Wars in Ireland," pp. 272, 273. Harris makes a similar statement, "Life of William III," p. 350. The Treaty was ratified by William on the 5th of April, 1692

a matter of fact, however, these wishes were not complied with until the Treaty was forwarded to William for ratification. Then William acted like a soldier and an honourable man. "Whereas," he wrote on the instrument ratifying the Treaty, "it appears unto us that it was agreed between the parties to the said articles, that, after the words Limerick, Clare, Kerry, Cork, Mayo, Sligo, or any of them, in the second of the said articles, the words following, viz., 'And all such as are under their protection in the said counties,' should be inserted and be part of the said articles. Which words having been casually omitted by the writer, the omission was not discovered till after the said articles were signed, but was taken notice of before the second town was surrendered; and that our said justices and generals, or one of them, did promise that the said clause should be made good, it being within the intention of the capitulations, and inserted in the foul draft thereof. Our further will and pleasure is, and we do hereby ratify and confirm the said omitted words, viz., 'And all such as are under their protection in the said counties,' hereby for us, our heirs and successors, ordaining and declaring that all and every person and persons therein concerned, shall, and may have, receive, and enjoy the benefit thereby in such and the same manner as if the said words had been inserted in their proper place in the said second article, any omission, defect, or mistake in the said second article in any wise notwithstanding.'[6]

[6] Plowden, "Historical Review," &c., vol. i. appendix, pp. 205, 208. "The English Privy Council," says O'Conor, in his "History of the Irish Catholics," "hesitated whether to take advantage of the omission. The honesty of the king declared it to be part of the articles; after solemn debate the Council concurred in his Majesty's wishes, and the articles including [these words] were confirmed by letters patent"—p. 117. In a letter from Sydney to the English minister, dated the 28th of February, 1693, seeking for instructions respecting the Treaty of Limerick, there occurs the following query: "In what manner would his Majesty have the articles to be con-

It would be scarcely credible, did not the evidence on the subject place the matter beyond all cavil, that, in the face of this solemn declaration "given under the Great Seal of England," the Anglo-Irish Colonial Parliament basely omitted from their Act of "Confirmation" the words which the English monarch, in recognition of the most binding obligations, took so much pains to have inserted.

It may easily be supposed, both from the action of Sarsfield in causing the words in question to be re-inserted, and the conduct of the Colonial Parliament in omitting them, that they contained matter of serious import. I shall state their import in the language of Mr. Froude. "So long," says the author of the "History of the English in Ireland," "as the second of these [Limerick] articles contained the contested words, printed in italics, it conceded nearly all for which Sarsfield had asked. Very many of the Catholic gentry being in the army, were protected as commissioned officers. The estates of most of those who were absent and yet were compromised in the insurrection, were in the counties thus carefully particularized; and thus it might be said that nearly every Catholic of consequence with a disposition to be dangerous, would be covered by the broad vagueness of the word 'protection.'"[7]

It is lamentable that Mr. Froude should sympathize in this matter rather with the Colonial Parliament than with William. "Inexperienced in Ireland," he says, "and in the spirit of the not very profound saying that he who overcomes by force hath overcome but

strued? According to common and reasonable intendment, or most amply and beneficially for the capitulators?" The answer to this query, noted in the margin, is: "With justice, but not favour."—Record Office, London, Feb. 28, 1693.

[7] "English in Ireland," vol. i. p. 227, Popular Ed. Referring to the omitted words Crawford says, "A clause in one of [the articles] upon which the safety and the property of numbers depended was entirely omitted."—"History of Ireland," vol. ii. p. 234.

half his foe, William was expecting to win by kindness those whom he had defeated in the field, and had studied rather to spare their pride and not to make their overthrow too complete."[8]

"Expecting to win by kindness!" Assuredly Mr. Froude misconceives the point at issue here. The question was not one of policy, but of principle and of fact. In brief: Were the "contested words" in the original draft of the Treaty, or were they not? Did Ginkel or the Lords Justices promise Sarsfield that the words should be re-inserted, or did they not? If both these questions are to be answered in the affirmative—and Story, Harris, and William himself testify to the existence of the words in the draft, and to Ginkel's promise—then can it for a moment be suggested that the English monarch had, as a man of honour, any other course open to him than the one he followed, or that the Colonial Parliament acted otherwise than as an assembly careless of the king's reputation and its own in the pursuit of a policy of public plunder.

Having omitted the first article of the Treaty, and struck out the words which William deemed it his duty to have re-inserted, and confirmed "under the Great Seal," Parliament finally excised that portion of the second article which secured the Catholics in the "use and practice of their several and respective trades and callings," and rejected completely the fourth, seventh, eighth, ninth, and tenth articles.

Thus it was that the Anglo-Irish Colonial Parliament "confirmed" the Treaty of Limerick.

In a picture so dark it is pleasing to be able to distinguish even a single ray of light—even though it tend but to make the darkness more visible. The fact stands recorded, to their lasting honour, that fourteen members of the House of Peers, including six

[8] Ibid. p. 227.

bishops, protested against the base proceedings in which they were asked to take part. The memory of their protest and their names deserve to be perpetuated. I shall, therefore, offer no apology for giving both in full.

On the affirmation of the motion "that the Bill sent up by the Commons, entitled 'An Act for the Confirmation of Articles made at the Surrender of the City of Limerick,' do pass into law," those men of honour in an assembly lost to honour said,—

We, the Lords spiritual and temporal, whose names are hereafter subscribed, do dissent from the aforesaid Bill, and enter our protest against the same for the reasons following:—

1. Because we think the title of the Bill doth not agree with the body thereof, the title being "An Act for the Confirmation of Articles made at the Surrender of the City of Limerick," whereas no one of the said articles is therein, as we conceive, fully confirmed.

2. Because the said articles were to be confirmed in favour of them to whom they were granted; but the confirmation of them by the Bill is such that it puts them in a worse condition than they were before, as we conceive

3. Because the Bill omits these material words, "And all such as are under their protection in the said counties," which are by his Majesty's letters patent declared to be part of the second article; and several persons have been adjudged within the said second article accordingly, who will, if this Bill passeth into law, be entirely barred and excluded from any benefit of the said second article by virtue of the aforementioned words. So that the words omitted being so very material, and confirmed by his Majesty after a solemn debate in Council, as we are informed, some express reason, as we conceive, ought to have been assigned in the Bill, in order to satisfy the world as to the omission.

4. Because several words are inserted in the Bill which are not in the articles, and others omitted, which alter both the sense and the meaning of some parts of the articles, as we conceive.

5. Because we apprehend that many Protestants may and will suffer by this Bill in their just rights and pretensions, by reason of their having purchased and lent money upon the

credit of the said articles, and, as we conceive, in several other respects.

LONDONDERRY.
TYRONE.
DUNGANNON.
KERRY.
HOWTH.
KINGSTON.
STRABANE.
S. ELPHIN.
WILL. DERRY.
WILL. CLONFERT.
W. KILLALA.
JOHN OSSORY.
THOS. LIMERICK.[9]

I have now mentioned the principal enactments passed against the Irishry during the reign of William III. Though unjust, and oppressive, these measures did not directly affect the condition of the cultivators of the soil. So far they were left in peace. Their clergy had been struck at, the rights of their landed gentry imperilled, and the religion they professed insulted and assailed. But their material well-being, their right to labour without restraint and to enjoy the fruits of that labour without hindrance, had not as yet been attacked.

The respite thus granted to the peasantry was productive of beneficial results. They used to the full the advantages of the peace in repairing their shattered fortunes, and restoring the prosperity of their country. Nor were their efforts unsuccessful. "Under the fostering hand of King William," says O'Conor, "the seeds of industry began to shoot forth; houses were rebuilt, cattle multiplied, and rich harvests buried the memory of recent starvation."[1] "The land," says Lord Taaffe, "was cultivated, industry was

[9] Journals of the [Irish] House of Lords, vol. i. pp. 635, 636 September 23rd, 1697.

[1] "History of the Irish Catholics," pp. 119, 120; also *Gentleman's Magazine*, vol. i. p. 166.

restored, and a fine island, reduced to a desert by the late war, soon assumed a new face."[2] "A spirit of industry," adds Crawford, "revived, the land was cultivated, useful arts were introduced, and a fine country lately robbed of its beauty, and prosperity, began gradually to assume its former agreeable appearance."[3]

So much respecting the government of Ireland, and the position of the Irish peasantry, during the reign of William III.

But the scene now changes. The era of the Penal Code in all its atrocity opens; the history of landlordism, in the fulness of its ascendency, begins.

[2] "Observations on Affairs in Ireland since the Settlement of 1691," p. 6.

[3] "History of Ireland," vol. ii. p. 227.

CHAPTER II.

LANDLORDS AND TENANTS IN IRELAND FROM THE ACCESSION OF QUEEN ANNE TO THE DEATH OF GEORGE II.

"THE peace after Limerick," says Grattan, "was to the Catholics a sad servitude, to the Protestants a drunken triumph."

Substituting for the word "Catholics," the word "peasants," and for the word "Protestants," the word "landlords," I shall now consider the facts on which this statement rests.

Immediately on the accession of Queen Anne, the design of the Colonial Parliament in omitting the words already referred to from the second article of the Treaty of Limerick was made clear. In 1703 an Act was passed which, to use an expression of Mr. Lecky, "abolished" the Catholic landlords of Ireland, and reduced the Catholic tenants to a position of abject and hopeless serfdom.[1] This Act provided (*inter alia*)—

(1) That the fee-simple estate of a Catholic, whether acquired by purchase or inheritance, should, on the conformity of the eldest son to the State religion, be at once converted into an estate for life only, the father being prohibited from selling, mortgaging, or otherwise disposing of, or dealing with it, and the Protestant son succeeding, on the death of the father, to the property;

[1] Lecky, "History of England in the Eighteenth Century," vol. ii. p. 222.

(2) If the heir-at-law of a Catholic continued to profess the religion of his father, the estate was divided, share and share alike, among the sons. If there were no sons it was divided among the daughters, and, in failure of daughters, among the collateral kindred of the father;

(3) Catholic fathers were debarred from becoming guardians to their own children, if the latter had, at any age, become Protestant Episcopalians;

(4) Protestants were forbidden to marry Catholics having an estate in Ireland, or in any part of the three kingdoms;

(5) Papists were rendered incapable of purchasing lands of inheritance, but were allowed to take leases of thirty-one years, provided that if their farms produced more than one-third of the rental, then the tenancy was to cease, and the holding to be transferred to the first Protestant who might "discover" the rate of profit."[2]

Plowden has justly observed, that, nothing could testify more strongly to the abandoned, and forlorn position of the Catholics at this time, than the fact, that, not a single man, in either House, stood up to oppose this infamous Bill.[3] Some members there were of tender conscience, but weak will, and they resigned, rather than vote one way or the other.[4] Pilate-like, they washed their hands of a proceeding which they had neither the courage to oppose, nor the

[2] 2 Anne, cap. 6; also Parnell, "Penal Laws," p. 21.

[3] "Historical Reviews," &c., vol. i. p. 211.

[4] "Reservations on this score," says Plowden, "became so frequent that the House came to a resolution "that the excusing of members at their own request from service of the House, and thereupon issuing out new rules to elect other members to serve in their places, was a dangerous consequence, and tended to the subversion of the constitution of Parliament." And it was afterwards resolved unanimously "that it might be the standing order of the House that no new rules for electing members of Parliament excusing themselves for the service of the House do issue at the desire of such members, notwithstanding any former precedents to the contrary."—Ibid.

power to prevent. As for the Catholics, they protested and appealed against this cruel act of injustice and wrong; but in vain. They begged to be heard by counsel at the bar of Parliament, and their request was granted *pro forma.*[5] Sir Theobald Butler, the gifted Catholic advocate, who had advised Sarsfield at every stage in drafting the capitulations of Limerick, and whose hand had drawn the words subsequently omitted from the second article, appeared on the 22nd of February before the Commons, and on the 28th of the same month before the Lords, to plead the cause of his unhappy fellow-countrymen.[6]

The Bill, he declared, was a violation of the Treaty of Limerick, and an infraction of the public faith pledged at Limerick in 1691. It was, he urged, immoral in conception, and would, in execution, be destructive of the most sacred social, and domestic ties. I, he said, the Popish Father, without any crime against the State, or the laws of the land (by which alone I ought to be governed), or any other fault, but merely for being of the religion of my forefathers, and that which, until of late years, was the ancient religion of these kingdoms, am, contrary to the express words of the second article of Limerick, and the public faith pledged for its performance, deprived of my inheritance, freehold, and of all advantages which by those articles, and the laws of Ireland, I am entitled to enjoy equally with every one of my fellow-subjects, whether Protestant or Popish; and though such my estate be even the purchase of my own hard labour, and industry, yet I shall not (though my occasions be never so pressing), have liberty (after my eldest son or other heir becomes a Protestant) to sell, mortgage, or otherwise dispose of, or charge it for payment of my debts; or be permitted out of my own estate to order portions for my other children, or to leave a legacy, though never so small, to my poor father or mother, or other poor relatives. But, during my own lifetime, my estate shall be given to my son, or other heir, being a Protestant, though never so undutiful, profligate, extravagant, or otherwise undeserving; and I, the

[5] "Tuesday we go into Committee for the Popery Bill. At the same time Roman Catholics are to be heard *pro forma.*"—Southwell to Nottingham, 170$\frac{3}{4}$, Record Office, London.

[6] Sir Theobald Butler was accompanied on both occasions by Sir Stephen Rice.

purchasing father, shall become tenant for life only to my own purchase, inheritance, or freehold; while my son or other heir by this Act shall be at liberty to sell or otherwise at pleasure to dispose of my estate, the sweat of my brow, before my face, I, the purchaser, shall not have liberty to raise one farthing upon the estate of my own purchase, either to pay my debts or portion my daughters (if any I have), or make provisions for my other male children, though never so deserving and dutiful; but my estate, and the issues, and profits of it, shall, before my face, be at the disposal of another, who cannot possibly know how to distinguish between the dutiful, and undutiful, the deserving, and undeserving. Is not this a hard case? I beseech you to consider whether you would not think so, if the scale were changed, and it were your own, as it is likely to be ours, if this Bill pass into law.

It is natural for the father to love the child, but we all know that children are but too apt, without any such liberty as this Bill gives, to slight and neglect their duty to their parents.

It is but too common with the son who has a prospect of an estate, when once he arrives at the age of one-and-twenty, to think the old father too long in the way between him and it; and how much more will this feeling be increased, when, by this Act, he shall have liberty, before he comes to that age, to force my estate from me.

Is not this against the laws of God and man; against the rules of reason, and justice, by which all men ought to be governed?

Is not this the only way in which to make children become undutiful, and to bring the grey head of the parent to the grave with grief and tears?

It would be hard to stand from any man; but for my own, a child whom I have nursed in my bosom, and cherished more dearly than my own life—for him to become my plunderer, to rob me of my estate, and to take away my bread, is much more grievous than from any other, and enough to make the most flinty of hearts to bleed to think on't. And yet this will be the case if this Bill pass into law.

For God's sake, gentlemen, will you consider whether this is according to the golden rule to do as you would be done unto? And if not, surely you will not, you cannot, without being liable to be charged with the most manifest injustice imaginable, take from us our birthrights and invest them in others before our faces.[7]

[7] Curry, "Civil Wars," and "State of the Catholics of Ireland," vol. ii. Appendix xvi.

So spoke Sir Theobald Butler, but he spoke to unheeding ears. It was essential for the maintenance of their supremacy, the Colonists thought, that they, and their instruments should alone hold the landed property of the country; and, compared with the achievement of this grand design, the violation of the Treaty of Limerick, the dispossession of the Catholic proprietary, and the degradation of a nation, were only matters of trifling detail. We have, in a document, under the hands of the Lords Justices, a brief, but clear statement, of the reasons which inspired the policy of the English in Ireland, in the eighteenth century, respecting this subject of the land. "Where," say their lordships, "the land goes, there will go the interest of a kingdom; and, no doubt of it, it must be a great mistake in policy when there is so justifiable a pretence [as the "Rebellion" of 1688] to lose the opportunity of changing the proprietors from Papists to Protestants as this will be;" moreover, their lordships add, "the Protestants of Ireland would be in perfect despair if [the Papists] are restored."[8] That the Papists should not only be never "restored," but that they should be reduced to the position of bondsmen, and pariahs, the Anglo-Irish Colonial Parliament was now firmly resolved.[9]

In 1709, the second great Popery Act, affecting the

[8] "Copy of answers to several complaints made by the Irish by their agent, Mr. Cockle, against judgments given by the Justices and Council in several cases relating to the articles of Limerick."—Record Office, London; State Papers, Ireland (no date).

[9] In the Popery case of McCarty *v.* Hanly, tried in 1771, Lord Chief Justice Annaly said, referring to the 2 Anne, cap. 6, that the "intention of the Legislature to prevent Papists acquiring landed property" in Ireland was "so clear that he would not" take up the time of the court by dwelling on it. "This part of the Popery Acts," he further said, "was framed upon a principle, generally true, that influence follows property, and a desire to lessen the power and influence of Papists, by preventing them from acquiring any landed property of which they were not possessed at the time of making the law."—Howard, "Several Special Cases on the Laws against the further growth of Popery in Ireland," pp. 196, 198.

subject of the land, was passed.[1] It provided, (*inter alia*) that, on the conformity of the children of Popish parents, the Court of Chancery should oblige the parents "to discover upon oath the full value of their estates, real and personal," whereupon an order was to be made directing the distribution of the property in such manner as would be most beneficial for the "support and maintenance" of the conformists.[2]

The machinery for the dispossession of the Irish native landlords was now practically complete. It needed only to be worked effectually in order that the ends of its inventors—which were "to qualify and model the landed property of Papists for the preservation of the Constitution, and the Protestant religion"[3]—might be secured. It was so worked. We learn, upon the authority of Howard, who wrote in 1775, that there was "scarcely any landed property" then "left among [Papists]," though Lord Chief Justice Annaly said, in the case of McCarty *v.* Hanly, that, on the accession of Queen Anne, "there were many Roman Catholics of property in this kingdom." The words of Howard on this subject deserve to be set out at length. "That these laws," he says, "have greatly strengthened the

[1] 8 Anne, cap. 3. Between 1703 and 1709 there had been only thirty-six conformists in Ireland. This number being considered unsatisfactory, the Act of 1709 was passed "to animate," as Mr. Justice Robinson said in the case of McCarty *v.* Hanly, "our Popery laws."—Howard, "Popery Cases," p. 211

[2] For the other penal clauses of this Act, as well as of the Act of 1703, and for an account of the Penal Code generally, see Parnell, "History of the Penal Laws against the Irish Catholics;" also Mr. Scully's work on the same subject.

[3] Mr. Justice Robinson in the case of McCarty *v.* Hanly (where it was held that a lease made to a Papist for more than thirty-one years was not only voidable, but absolutely void).—Howard, "Popery Cases," p. 210. In the case of Vicars *v.* Carrol, tried in 1728, it was stated that the "intention of the Legislature in making the Act [of 1703] was . . . to disable Papists from enlarging their landed interest, and to settle what lands they already had, so as they should soon moulder away in their hands."—Howard, p. 37.

Protestant interest in this country must be acknowledged by all who know anything of it, and, so far, they have been of real advantage; but they tend to reprobate the mind by encouraging informers—those horrid pests to society—and to preserve eternal jealousies, and enmities, between the subjects of the same prince, and in the same country; nay, and in families, between father and son, and brother and brother. It is also, I believe, as undoubtedly true, that, they considerably prevent the improvement and increase of its husbandry, commerce, and trade. I believe it will be also allowed me, that, there is not the same good reason for continuing, as there was for making these laws. . . . The strength of the party which was the cause of these laws is almost entirely broken to pieces in this kingdom, though, perhaps, their numbers are not decreased; besides, there is scarcely any landed property among them. . . ."[4]

Those who wish to see for themselves "how successfully," to use the words of Mr. Lecky, "the work of spoliation was carried on,"[5] must peruse the pages of Howard.[6] For myself, I feel no inclination to dwell further on the sickening details than is absolutely necessary for my narrative. I shall, therefore, only mention two or three of the cases which are to be found in Mr. Howard's reports, and which serve to illustrate the absurdity, as well as the injustice, and immorality, of the Penal Laws.

A young Papist, named Farrell, conformed to the State Church, while yet under age, and, about ten years afterwards, purchased some land in the Co. Longford. But, it seems, that, a gentleman named Tomlinson had his eye on Mr. Farrell, and on Mr. Farrell's purchase; and when the young conformist felt himself

[4] Howard, Preface, pp. v. vi.

[5] "History of England in the Eighteenth Century," vol. ii. 284.

[6] "Popery Cases." Mr. Lecky's powerful description of the operation of the Penal Laws in his "History of England in the Eighteenth Century" (vol. ii. chap. vii.) deserves careful perusal.

secure in the enjoyment of his property, Mr. Tomlinson appeared upon the scene to declare that Farrell was not a "real" Protestant at all, and to demand, "as the first Protestant informer or discoverer of the fact," possession of the lands in Longford.

The point raised by Tomlinson was a remarkably fine one. It was this. Farrell had declared himself a Protestant on the 26th of November, 1741, but he did not take the Sacrament until the 16th of May, 1742. Now, argued the ingenious Tomlinson, as the law[7] "positively ordains" that no convert from the Papist to the Protestant religion, shall be deemed a Protestant unless he receive the Sacrament within the space of six [lunar] months after his declaration of conformity, and as the six lunar months in the present case expired on the 13th of May, 1742, and as Mr. Farrell did not receive the Sacrament until the 16th of May, he has failed to comply with the conditions prescribed by Act of Parliament, and cannot accordingly be considered a Protestant in law. The serious issue thus raised was argued before the Common Law Judges in Dublin "in Easter and Trinity terms, 1759." Their lordships took several months to consider the case, and then decided that Farrell was not a "real" Protestant, having failed to comply with the letter of the law. Farrell appealed to the Court of Chancery in November, 1759, but the Lord Chancellor, having taken until the 13th of December, to consider his judgment, "adjudged and decreed that the plaintiff, as the first Protestant discoverer, was, by virtue of the Popery Acts,[8] entitled to the benefit of the purchase made by the defendant of the lands in the pleadings mentioned, and that an injunction should be awarded, directing the Sheriff of the county of Longford to put the plaintiff into, and from time to time to quiet, and establish him in the possession of the said lands; and that the defendant should deliver over to the plaintiff all deeds, conveyances,

[7] 8 Anne cap. 3.
[8] 2 Anne, cap. 68; 8 Anne, cap. 3.

and writings in any way relating to the title of the said lands," and pay the costs of the suit. From this decree of the Irish Chancellor, the unfortunate Farrell appealed to the English House of Lords, where, however, the judgments of the Irish courts were, on the 19th of February, 1761, "affirmed *in omnibus*." Thus was Mr. Tomlinson rewarded for his zeal and assiduity.[9]

The two next cases will show that some, at all events, of the Irish judges of the eighteenth century had not been demoralized by the laws they were obliged to administer.

In the first case, an application was made to the Lord Chancellor to allow maintenance to the conforming child of Popish parents. The child was nine years old, and the application was made by "a very near Protestant relative," who stated that the precocious conformist "desired to be bred a Protestant." But, the Chancellor declined to make the order, on the sage ground, that, the subject of the motion had "not yet arrived at the years of discretion."[1] In the other case, a dissolute scamp who had thrown off the parental authority, married, and conformed, applied for an order of maintenance. The Chancellor, much against his inclination, felt constrained to grant the application, but "expressing great resentment at the undutifulness of the son," said he would give him as little as he possibly could. Finally, the conformist was awarded an allowance of "50*l.* per annum from the time of his conformity to the date of the filing of the bill, and 80*l.* a year afterwards.[2]

The majority of the cases in Mr. Howard's reports present few features of general interest, and I forbear from dwelling on details which are calculated

[9] See Tomlinson *v.* Farrell, Howard, "Popery Cases," pp. 121, 136.

[1] Fitzgerald *v.* Fitzgerald, Howard, p. 145.

[2] Fitzpatrick *v.* Fitzpatrick, Howard, p. 90. The real estate of the father was 400*l.* a year, and his personal property amounted to 1500*l.* He had three other children.

to create feelings of indignation and disgust, without tending to any practical end. Indeed, the book is a tedious and melancholy chronicle of the fraudulent, base, and unnatural transactions to which the Penal Code gave rise; and, without further reference to it, I may say, generally, that the best idea of the nature of its contents is to be found in the piteous complaint contained in a petition addressed to the Sovereign in 1739 by the Catholics, praying for a relaxation of the laws in force against them. "Two-thirds of the business of the Four Courts," they say, "consists of Popish discoveries;" and they add, "[we are] daily oppressed by the number of idle and wicked vagrants of this nation by informing against [our] little leases, and tenements, if the law gets any hold thereof."[3] The law too often got hold thereof; and with the result, as stated by a contemporary writer, that in 1739 there were not twenty Catholics in Ireland who possessed "each 1000*l.* a year in land," while the estates belonging to others of less yearly value were "proportionably few."[4] "It is no matter to the public," said the Prime Sergeant of the day in 1747, "in whose hands the estate is, provided it is not in the hands of a Papist."[5] This just and kindly sentiment was carried into full effect in, what I may, perhaps, be pardoned for calling, the Irish Land Courts of the eighteenth century.

Having taken the necessary means, as they thought, for weeding out the native race, the Colonists next

[3] Record Office, London, Irish State Papers. This petition was treated with neglect by the English Minister (Newcastle). Writing to the Primate, under date October 2, 1739, he says that "though little attention may be given to this paper," and though "no orders [are] to be given on it, [yet] keep a strict watch on the behaviour of the Papists."—Record Office.

[4] "Some Considerations on the Laws which Incapacitate Papists from purchasing Lands, from taking long and beneficial Leases," &c. —Dublin, 1739, p. 16; also Lecky, "History of England in the Eighteenth Century," vol. ii. p. 284.

[5] Howard, p. 93.

turned their attention to the planting of foreign settlers instead. In 1708-9 arrangements were made for the introduction and establishment of a colony of Palatines. But, those Palatines were not a success, despite the fact that the "gentry were very fond of them, being Protestants;" that farms were let to them "at easy rates," "often at a third less rents than the like lands were let to other tenants;" and that nearly 24,000*l.* of the public money were expended in settling and maintaining them.[6] It seems, that, out of a total of 821 families, consisting of 3073 persons, who were imported in the years 1709-10, only 312 families, consisting of 1218 persons, remained in 1711.[7] A considerable effort was made to keep these 312 families in the country, "to strengthen the Protestant interest," but without success. The number dwindled down to 263 families in 1713, and was still further diminished as years went by.

The climate does not seem to have agreed with the Palatines, and they do not appear finally to have agreed with the landlords. In fact they were, strange to say, discontented with the provisions which had been made for them. They were "disappointed," we are informed, because they did not get the land "rent free;"[8] and being disappointed on this score, they left the landlords in the lurch, "stealing away without giving the gentlemen that entertained them at great expense any notice."[9]

It is somewhat ludicrous, after considering the efforts which were made by the landlords, and the State, in 1708-10, to found a Palatine colony in Ireland, to turn to the transactions of the Irish House of Lords in 1711,

[6] Report of Commissioners for Settlement of Palatines, English Record Office; Treasury Papers, vol. cxxxiii.; and also see vol. clxxxvii.

[7] Ibid. vol. cxxxix.

[8] Report of Commissioners, English Record Office; Treasury Papers, vol. clx.

[9] Ibid. vol. cxxxiii.

where we read of an address presented to the Queen, in which their lordships complain of "the load of debt" placed upon the "nation," "by the bringing over numbers of useless and indigent Palatines."[1]

The Palatine settlement having proved a failure, no further efforts of a serious nature were made to plant foreign colonies in Ireland; and, in the result, the landlords, much to their regret, found themselves obliged to accept Irish peasants as tenants for their lands.[2]

In referring to these matters, I prefer to use the word "Irish," rather than the expression "Catholic" (more frequently employed to denote the line of demarcation separating the owners, and the cultivators of the soil in Ireland), because I feel that the policy of the Anglo-Irish Colonial landlords in weeding, or attempting to weed out the aboriginal race, was dictated rather by national than religious considerations. Undoubtedly, Mr. Lecky—than whom there is no greater authority on Irish subjects—has said, and his words are entitled to weight, that the Penal Laws were passed against the religion of the nation.[3]

But I venture respectfully to dissent from this opinion. I think the Penal Laws were not directed so much against the religion as against the properties of the Irish people. The landlords were not, to do them

[1] "See Curry, "Civil Wars and State of the Catholics," vol. ii. p. 245. Referring to this Palatine settlement, Arthur Young says: "They [the Palatines] had houses built for them, plots of land assigned to each at a rent of favour, were assisted in stock, and all of them with leases for lives from the head landlord. The poor Irish are very rarely treated in this manner; when they are, they work much greater improvements than common among these Germans."—"Tour in Ireland," vol. ii. p. 107.

[2] To show the unwillingness of the landlords to accept native tenants, it may be stated that the Irish House of Commons in 1713 ordered that "an address should be made to her Majesty, to desire her, that she would be pleased not to grant licences to Papists [who had emigrated] to return to the kingdom."—Com. Journ vol. iii.; and Curry, vol. ii. p. 245.

[3] "History of England in the Eighteenth Century," vol. ii. p. 222.

justice, religious fanatics or bigots. They were, I think, quite indifferent on the subject of creed. In fact, their sole object was to retain the possessions which they had acquired by plunder; and if they could have felt as secure among the Papist natives whom they had despoiled, as among the Protestant Colonists, who owed them no grudge, and had no wrongs to avenge, they would, I believe, have as readily accepted the one class of tenants as the other.[4] To put the matter plainly and frankly, the Irish landlords of the eighteenth century—high and low, rich and poor—the great absentee-proprietors who never lived in the country, and never discharged a single duty incumbent upon them as owners of land, and the Cromwellian squireens, to whose tender mercies the peasantry were more immediately abandoned—had but one idea, one thought, one feeling, with respect to their Irish acquisitions, viz. to extract in rents the uttermost penny that could be got out of the land;[5] and there

[4] "By three great measures of confiscation about nine-tenths of the soil of Ireland had been wrested from the old proprietors, whose descendants were often found cultivating as cottiers the land that would naturally have been their own."—Lecky, "History of England in the Eighteenth Century," vol. ii. p. 205. "The grandfathers of men now [1860] alive," says another historian, "have described seeing the heir or representative of the old forfeiting proprietor of 1688 wandering about with his ancient title-deeds tied up in an old handkerchief—these, and the respect paid him by the peasants being the only signs that were left him to show the world that he was a gentleman."—Prendergast, Paper on the Plantation of Idrone in the County Carlow, "Journal of the Archæological Society of Kilkenny," vol. iii. N.S. p. 175.

[5] "Alas! the truth is, that, most of our landlords have no other view, nor care as to their tenants' fortunes, but to rack them as high as they can, and then spend the rents on their pleasures, diversions, and luxurious living, and leave their wretched tenants to shift for themselves, forgotten and disregarded."—Madden, "Reflections and Resolutions proper for the Gentlemen of Ireland," p. 30 (published in 1738). "The absentees of great estates," says Swift, "who, if they remained at home, would have many rich retainers in their neighbourhood, have learned to rack their lands and shorten their leases as much as any residing squires."—Swift's Works, vol. vii. p. 104, Ed. Scott. "[The people] conceive themselves to be living under the

cannot be a doubt that wherever the native Papists seemed likely to prove more squeezable than the Protestant colonists, the former were accepted as tenants in preference to the latter. The authorities, which can be cited in support of this statement are numerous, but it is necessary to refer only to two or three. For instance, Archbishop King, writing in 1719, says: "The landlords set up their farms to be disposed of by cant, and the Papists, who live in a miserable and sordid manner, will always outbid a Protestant. . . . By these means most of the farms of Ireland are got into their hands."[6] Again, the writer of an interesting tract, entitled "Concerning the Securing the Government of the Kingdom of Ireland to the Interest of the English Nation," complains of "the too great selfishness of Protestants in choosing rather, for their present advantage, and interest, to employ Irish Papists at a cheaper rate, than they could be served by English Protestants;"[7] and an able pamphleteer of the eighteenth century—Publicola—suggests that some means ought to be taken to prevent "the Popish farmers, who always give greater rents than Protestants," from "engrossing most part of the lands of the kingdom."[8] However, there was one condition essential to render a Papist tenant acceptable. It was necessary that he should be an abject slave,—so fettered that he could not raise a hand against his task-masters,—so broken in spirit, and bereft of hope, that he dare not even attempt to turn under the lash. Thus qualified, Papist natives were frequently taken in preference to Protestant Colonists, who, undisciplined by the rigours of the Penal Code, and unsubdued by the

tyranny of most cruel and exacting landlords, who have no views further than increasing their rent-roll."—Ibid. p. 178.

[6] King's letter (dated June 2, 1719) in Mant, "History of the Church of Ireland," vol. ii. p. 332.

[7] Brit. Mus. Add. MSS. 28,724, p. 3.

[8] Publicola, "The Great Importance and Necessity of Tillage," &c., p. 31.

calamities of conquest, still felt like free men; and, therefore, preferred to fly from a country to which, unlike the natives, they were bound by no domestic, or patriotic ties, rather than live there in a state of miserable and debasing helotage.[9]

Perhaps, no better instance can be given of the indifference of the landlords to the subject of creed, when the question of rent interposed, than what occurred in the North of Ireland in 1717-18. Between 1690 and 1698 some 80,000 Scotch Colonists had settled in Ulster. These Colonists were, according to all accounts, a hardy, industrious, sturdy race. At the time of their arrival the country was still suffering from the effects of the war. The population in the northern districts to which they had come had been considerably reduced in numbers, and there was abundance of land to let. In such circumstances, the landlords, "glad," as Archbishop King puts it, "to get tenants at any rate," let the land to the Scotch immigrants at "easy rents," and on leases varying for periods of twenty-one, and twenty-eight years.

Up to 1718-19 those tenants lived, we are told, "very happily" in Ulster.

[9] "It is a melancholy reflection that the true Christian way of reducing Popery is not much regarded, nor can I but fear that there are too many among us who would rather keep the Papists as they are, in an almost slavish subjection, than have them made Protestants, and thereby entitled to the same liberties and privileges with the rest of their fellow-subjects."—Archbishop Synge to Archbishop Wake, Nov. 19th, 1719. Brit. Mus. Add. MSS. 6117. Another writer says:—"If we would give encouragement to English Protestants, and endeavour the increasing of their numbers in the kingdom of Ireland, then there ought to be a strict law made, and duly put in execution, against all such Protestants as shall receive Irish Papists for servants into their houses and families; which failure of the English in that one particular for the lucre of a little cheaper and slavish-like service (the latter which 'tis possible the spirits of the free-born Briton are not able to bear) has, undoubtedly, been of great disadvantage to the Protestant interest in that kingdom."—"Discourse concerning the securing the Government of the Kingdom of Ireland to the interest of the English Nation," MSS. in the handwriting of one of the Southwell family (A.D. 1695), Brit. Mus. Add. MSS. 28,724.

Then their leases expired, and the landlords doubled, and, in many places, trebled the rents. The Scotch refused to pay the increased rentals. The natives stepped in, and offered to give the landlords their own terms. The landlords on these conditions accepted the natives, and the Scotch emigrated "in hundreds" to the West Indies and America.[1]

The Scotch acted wisely in seeking their fortunes in other climes, rather than submit to the exactions of the landlords of Ireland. In America they became prosperous citizens, while the unfortunate natives, who remained behind, sank into a condition of hopeless poverty, and misery. We have from the pen of Bishop Nicholson a piteous account of the state of these unhappy creatures.

Nicholson, who had been promoted to the See of Derry, went to Ireland in 1718. He seems, very soon after his arrival in Dublin, to have been regaled with those stories of the savage, and outrageous Irish in which the society of the Castle used, once upon a time, to indulge.

He was warned not to proceed to Derry without a military escort, and put upon his guard against the rascally peasants who lined the road *en route* eager to plunder, and slay the unwary traveller. Thus forewarned, Bishop Nicholson accepted the services of a troop of dragoons which the Castle placed at his disposal. What he encountered on the way he has himself related.

"[The Executive]," he writes to Archbishop Wake, "were pleased to grant me a guard of dragoons, with whom I travelled in great security through a country said to be infested with a set of barbarous and pilfering Tories. I saw no danger of losing the little money I had; but was under some apprehension of being

[1] Archbishop King's letter in Mant, vol. ii. p. 331. Also Killen, "Ecclesiastical History of Ireland," vol. ii. pp. 172, 173; and the "Journal of the Kilkenny and South-East of Ireland Archæological Society," vol. vi. N.S. p. 50; and Mant, vol. ii. p. 330.

starved, having never beheld even in Picardy, Westphalia, or Scotland such dismal marks of hunger, and want, as appeared in the countenances of most of the poor creatures that I met with on the road. The poor wretches lie in reeky sod-hovels, and have generally no more than a rag of coarse blanket to cover a small part of their nakedness. Upon the strictest inquiry I could not find that they are better clad or lodged, in the winter season. These sorry slaves plough the ground to the very tops of their mountains for the service of their lords who spend truly rack-rents . . . in London."[2]

The description here given by Bishop Nicholson of the tenants whom he met on the way from Dublin to Derry may be taken as applying, generally, to the condition of the peasantry throughout Ireland during the first half of the eighteenth century. The authorities which can be cited in support of this statement are numerous and conclusive. Indeed, it is scarcely possible to take up a book, or a pamphlet of the period without finding its pages full of details relating to the beggary, and wretchedness of the Irish people. Swift, Berkeley, Boulter, Synge, King, Skelton, Taaffe, and other writers testify in impressive language to the misery, and degradation of the Irish peasantry—to the injustice, neglect, and tyranny of the Irish landlords.

I have already referred to the chronic distress which prevailed among the Irish peasantry during the first half of the eighteenth century,[3] and I do not think it necessary to dwell at any length on the topic again. Indeed, the whole social and political condition of the country, at that period, is so completely summed up in the following brief, but pithy sentence of Swift, that further allusion to the subject may be dispensed with.

[2] Bishop Nicholson to Archbishop Wake, Brit. Mus. Add. MSS. 6116, p. 121.

[3] *Ante*, vol. i. book iv. pp. 531, 535.

"This kingdom," says the Dean of St. Patrick's, "is now absolutely starving by the means of every oppression that can be inflicted on mankind."[4] And, he adds, in words of bitter sarcasm, "I confess myself to be touched with very sensible pleasure when I hear of mortality in any county, parish, or village, where the wretches are forced to pay for a filthy cabin, and two ridges of potatoes, treble the worth; to whom death would be the best thing to be wished for, on account both of themselves, and the public."[5]

But, my present object is not to crowd my pages with proofs of the misery, and degradation in which the Irish peasants were steeped at this time, but to show that the landlords were mainly responsible for the deplorable condition of things which, beyond all doubt, existed;[6] and to this object I shall now address myself.

The Popery Acts of Anne[7]—the work of a landlord Parliament—coupled with the selfishness, injustice, and impolicy, generally, of the land-owning class, led to the discouragement of agriculture, to the depression of every industry, and caused the relation of landlord, and tenant,—which ought to be one of kindliness, mutual sympathy, and confidence, in order that beneficial effects may flow from it—to degenerate into a feeling of reciprocal distrust, and hatred.

The native tenantry, who constituted the vast bulk of the occupiers of the soil, neglected to cultivate the lands, which they held at the mercy of every ruffian

[4] Works (ed. Scott), vol. xviii. p. 366.

[5] Works (ed. Scott), vol. vii. p. 106. See also Swift, "A Modest Proposal," Works, vol. vii. p. 262. "Short view of the State of Ireland," ibid. p. 112. "The present Miserable State of Ireland," ibid. p. 192.

[6] Accounts of the miserable condition of the Irish peasants in the eighteenth century will be found in Mr. Lecky's "History of England in the Eighteenth Century," and in Mr. Froude's "English in Ireland."

[7] *Ante*, pp. 24, 28.

who chose to become a "discoverer;"[8] and the Colonial tenants, dissatisfied with the shortness of their leases —which rarely exceeded thirty-one years—and fearful of the "certainty" to which, at the end of their terms, they were exposed, of having the rents "raised proportionably to the improvements they had made," hesitated before risking their fortunes on a foundation so unsafe as the justice, or good sense, of an Irish landlord.[9]

The dissatisfaction with their lot which Irish tenants thus generally felt, the landlords almost wholly disregarded, being equally unwilling to protect the natives from the scoundrelism of the "discoverer," or to secure either to natives, or colonists the fruits of their industry.[1]

[8] "By the laws passed [in the reign of Anne] the [Papists] are interdicted to realize the produce of their industry under the penalty of forfeiture . . . it [being] enacted that in case of their having more than a third penny profit in the land [their holding] shall be forfeited to the sole advantage of the first Protestant discoverer. Thus are informers [discoverers] set on the watch, benefiting of a right by law where nature gives none."—Lord Taaffe, "Observations on Affairs in Ireland from the Settlement in 1691 to the present [1766] time," p. 11. The House of Commons declared by resolution that informing against Papists was an honourable service.—Com. Journ. vol. iii. p. 319.

[9] Though by law a colonial tenant was enabled to take a lease for any period, in practice he was not much better off in this respect than the native whose term could not exceed thirty-one years. The landlord gave short leases to all. "Leases," says Swift, speaking generally, "are but granted for a small term of years."—Works, vol. vii. p. 198. "A custom prevails here [in Ireland] to tie up gentlemen's hands from giving leases for any longer terms than twenty-one or thirty-one years."—Poekrich, "Letter to a Member of Parliament complaining of some Public Grievances," p. 11. "The discouragement to improvements," says Dobbs, "arising from our present method of letting our lands by short leases of twenty-one years is obvious to all."—Essay on the Trade of Ireland, "Tracts Illustrative of Ireland," vol. ii. pp. 470-71.

[1] Swift, Works (ed. Scott), vol. vii. p. 198. The system which prevails in our own time of the tenant doing (practically) all the improvements, existed in the eighteenth century. On this subject see the very able pamphlet called "The Strong-box opened, or a Fund

This conduct on the part of the territorial class towards the native population is easily accounted for.

At an early date in the century they had formed the opinion that Ireland was a country fit only for pasture, and Irishmen types of humanity fit only for the hulks.[2] So thinking, it was but natural that the landlords should have come to the conclusion, that, the more black cattle, and the less human beings, in the island, the better for them.

If the natives felt aggrieved by the Popery laws; if they considered themselves wronged by the confiscation of a third of their earnings,[3] the remedy was in their own hands. They could emigrate. The continent of America was all open to them, and they would find in the Indians of the backwoods—or it may be in the beasts of the forests—congenial companions.

That the landlords should have taken this view of the position of the natives is not to be wondered at; for, "aliens in heart and affections," they were indifferent to the wants, and callous to the sufferings of the mere Irish.[4] But, it does seem a little surprising that they should not have shown more consideration, and sympathy for the colonial tenants; though this matter, too, admits of explanation.

The landlords, as I have already said, thought only of the rents. To them the relation of landlord, and tenant,

found at Home for the immediate Employment of our People, and for preventing Emigration," pp. 8, 10.

[2] "All the penal laws," says Burke ". . . were manifestly the effect of national hatred and scorn towards a conquered people whom the victors delighted to trample upon, and were not at all afraid to provoke. . . . Every measure was pleasing, and popular, just in proportion as it tended to harass and ruin a set of people who were looked upon as enemies to God, and man, and, indeed, as a race of bigoted savages who were a disgrace to human nature itself."—Letter to Sir H. Langrishe.

[3] *Ante*, p. 42, n. 8.

[4] "Families settled here for generations are still aliens in heart and affections."—"Vindication of the Irish Nation," by Julius Vindex, p. 14 (Dublin, 1816).

was a purely monetary transaction, and, having calculated that lands set in pasturage, would yield higher rents than lands set in tillage, they resolved to get rid of the "human incumbrances" on their estates, and, practically, turn the whole country into a vast grazing-ground for fat bullocks, and flourishing flocks of sheep.

The extent to which this passion for pasturage was carried, and the degree of depopulation to which it led, are well-ascertained facts.

Boulter, Skelton, Swift, Wesley, King, Syngè, Dobbs, were all "eye-witnesses" and here is what they say :—

BOULTER,—Many persons have hired large tracts of land, on to three or four thousand acres, and have stocked them with cattle, and have no other inhabitants on their land than so many cottiers as are necessary to look after their sheep and black cattle; so that in some of the finest counties in many places there is neither house nor cornfield to be seen in ten or fifteen miles' travelling.[5]

SKELTON,—Your bullocks indeed look well, but these slaves and attendants of theirs wear the livery of such a service, and look as if they had brutes indeed for their masters."[6]

JOHN WESLEY,—The gentry are continually driving away hundreds, yea, thousands, by throwing such quantities of arable land into pasture, which leaves them neither business nor food. Thus it is that man dispeoples many parts of Ireland.[7]

ARCHBISHOP KING,—Of late the plow is everywhere laid aside, and generally in the late leases the landlords have obliged the tenants not to plow, one consequence of which is that all manner of grain has been dearer in Dublin than in London, and several times at double the price, insomuch that we had out of England last year an 100,000 barrels of wheat at 20*s.* or 24*s.* the barrel. The land that formerly was plowed is now turned into grazing for fat bullocks and dry cattle."[8]

ARCHBISHOP SYNGE,—I am newly come from visiting the diocese of Tuam and Kilfenora. The country is very thinly inhabited, stocks of cattle, chiefly sheep, giving very little room for tenants to occupy.[9]

[5] Letters, vol. i. p. 222.
[6] Works (ed. Lynam), vol. v. pp. 340, 341.
[7] Journal, vol. ii. p. 477.
[8] Letters to Archbishop Wake, Brit. Mus. Add. MSS. 6117, p. 122.
[9] Letters to Archbishop Wake, Brit. Mus. Add. MSS. 6117.

DOBBS,—Whole villages of native Irish [are] dismissed at once . . . as gentlemen lay down their lands under grass, and enlarge their sheep walks and grazing farms, and by this means the poor, who remove with little trouble, are turned adrift, and must remove to some other place where they can get employment.[1]

MADDEN,— . . . We have kept our poor as lazy and ignorant as we found them, and stupidly employed the best part of them on our lands, just as the Spaniards do the Indians on the vast savannahs of America, to feed great droves of cattle. By this means we have laid waste, and almost depopulated the finest counties in the kingdom, and . . . made them, and ourselves, drovers, and butchers for wiser nations.[2]

SWIFT,—These cruel landlords are every day unpeopling the kingdom by forbidding their miserable tenants to till the earth, against common reason and justice, and contrary to the practice and prudence of other nations, by which numberless families have been forced to leave the kingdom, or stroll about, and increase the number of our thieves and beggars.[3] . . .

Evidence of this kind might be multiplied, but my readers will doubtless be content with the statements which I have quoted.

While the land was thus being appropriated to the accommodation and sustenance of flocks and herds, the tide of emigration, which had set in, in 1718, continued to flow freely. From north, and south, but perhaps especially from the north, the people fled in hundreds. We learn, that, out of a total of 6208 immigrants who arrived at the port of Philadelphia between December,

[1] Essay on the Trade of Ireland, "Tracts Illustrative of Ireland," vol. ii. p. 411.

[2] "Reflections and Resolutions proper for the Gentlemen of Ireland," p. 3.

[3] Works (ed. Scott), vol. viii. p. 6; vol. xii. p. 167. See also "Letter from a Country Gentleman in the Province of Munster to his Grace the Lord Primate," in which the writer states that "vast tracts of land" in the counties of Tipperary and Limerick are held by single persons, where not only farmers, but gentlemen keep from three to eight thousand acres in their own hands, flocked with sheep and black with cattle, "without any inhabitants but herdsmen and a very few cottiers to do the drudgery, or rather slavery of their houses."

1728, and December, 1729, 5655 were Irish.[4] In fact, the Irish "invasion" became so formidable that legislative measures for checking it were deemed necessary.

"It looks," said a member of the Philadelphian Government, while expressing himself gratified that steps were about to be taken to prevent too free an immigration of Irish settlers, "as if Ireland is to send all her inhabitants hither; for last week not less than six ships arrived, and every day two or three ships arrive also. The common fear is that if they continue to come they will make themselves proprietors of the province. It is strange they thus crowd where they are not wanted."[5]

That the majority of the emigrants who left Ireland for America or the West Indies between 1718 and 1730 were Ulstermen admits, I think, scarcely of a doubt. Mr. D'Arcy McGee states the interesting, and significant fact, that, prior to 1730, there were in the interior of the State of Pennsylvania townships called Derry, Donegal, Tyrone, and Coleraine;[6] and Archbishop Boulter, writing to the Duke of Newcastle on the 23rd of November, 1728, complains bitterly in words often quoted, that, "the whole north is in a ferment at present, the people every day engaging one another to go next year to the West Indies. The humour has spread like a contagious distemper, and the people will hardly bear anybody that tries to cure them of their madness. The worst is that it affects only Protestants, and reigns chiefly in the north."[7]

Another fact, equally indisputable, is that the Irish emigration of the eighteenth century, whether from

[4] D'Arcy McGee, "Irish Settlers in America," p. 25; also Watson, "Annals of Philadelphia."

[5] "A Tribute to the Principles, Virtues, Habits, and Public Usefulness of the Irish and Scotch Early Settlers in Pennsylvania," in Mr. Bagenal's book, "The American Irish."

[6] "Irish Settlers in America," p. 25.

[7] Letters, vol. i. pp. 261, 262. The emigrants from the south went chiefly to join their fellow-countrymen in the service of France.

north, or south, was directly the result of landlord injustice and oppression. The authorities for this statement are unquestionable. In 1729 a Commission of judges, appointed to inquire into the cause of the northern emigration, reported thus: "[The tenants] complain that several gentlemen have lately raised their rents above the value of the lands, and more especially in such estates whose landlords live out of the kingdom. These employ agents, who make merit of raising rents as high as possible, selling [the land] by cant to the highest bidder, without regard to the value of the lands or the goodness of the tenants; and the absence of the landlords hinder [the tenants] from [obtaining] any redress, or from getting abatements when the badness of the times requires it. The Protestant tenants complain that many landlords turn them out of their farms to give them to Papists for the sake of a little increase of rent. They also complain of the shortness of their leases, by which they are hindered from improving, and making the best of their lands, alleging that if they make improvements without leases the [landlord] generally either raises their rents or turns them out of their farms." [8]

It is, however, only fair to add that the landlords told a different story from this to the Commission. They said that the exodus was caused "by the badness of the times," and the "encouragement to emigrate given to the tenants by agents sent from abroad." [9]

[8] English Record Office. State Papers, Ireland, "Copy Report of the Judges about Protestants leaving North of Ireland," endorsed "11 June, 1729." The tenants also complained of the payment of tithes.

[9] The statements of the landlords are scarcely consistent with themselves, for though ascribing the emigration to the "badness of the times," they say that "several were gone who were in no needy circumstances, and others *who sold their farms for considerable sums of money.*" (The words I have italicized seem to me to be of some importance, as indicating a landmark in the history of the "Ulster Custom.") See "The Parliamentary History of the Irish Land

But, the balance of evidence which we have on the subject is in favour of the statements of the tenants. Indeed, there can be no doubt but the peasants left the country in consequence of the exactions, and unfairness, and the pasturage craze of the landlords. "Daily, in some counties," says Boulter, "many gentlemen (as their leases fall into their hands) tie up their tenants from tillage; and this is one of the main causes why so many venture into foreign service at the hazard of their lives, if taken, because they can get no land to till at home." [1] "For want of tillage at home," says Skelton, "that is, for want both of food and work, vast numbers of our labourers go every year to England; and as these are people who are willing to work the loss of them is never enough to be regretted. The colonies [which go] to America, and those huge drains of useful hands to England, carry out the real wealth of the nation. Nor can I say it is all their own fault, but rather their misfortune, who are exiled from their native country, and their relations, and exposed to unheard-of hardships to make room for bullocks, and sheep on those grounds which they might, if employed, render so much more valuable to their infatuated owners." [2] "It is chiefly," says Madden, "for want of care in our landlords that such shoals of our families have gone to the West Indies. . . . Had they any proper encouragement, good usage, or bargains here, they would never run the hazard of long voyages, and shipwrecks, and being starved at sea, or dying by the country disease when they get on shore, by which at least one-third of them perish." [3] "A great cause of this nation's misery is," says Swift, "that Egyptian bondage of cruel, oppressing, covetous

Question, with an Account of the Origin and Results of the Ulster Custom," p. 131, *et seq.*

[1] Letters, vol. i. p. 222, also p. 226—290.

[2] Works (ed. Lynam), vol. v. p. 358.

[3] "Reflections and Resolutions proper for the Gentlemen of Ireland," pp. 27, 28.

landlords; expecting that all who live under them should make bricks without straw; who grieve and envy when they see a tenant of their own in a whole coat, or able to afford one comfortable meal in a month; by which the spirits of the people are broken and made fit for slavery; the farmers, and cottagers, almost throughout the whole kingdom, being, to all intents and purposes, as real beggars as any of those to whom we give our charity in the streets."[4] This statement of Swift, made in 1727, finds strong corroboration in the following words, written in 1756, by one of the most powerful, best informed, and able pamphleteers of the century:— "Thou askest me," says the author of the singularly able, and interesting "Letters from an Armenian, in Ireland, to his friends at Trebizond," "what are the respective conditions of the lord, and the peasant in this remote world. Know, therefore, that they are in general the conditions of master and vassal. . . . The lord is a poor tyrant, and the peasant a poorer slave. Hear me, *Ali:* the lord seldom parcels out his land among the cultivators of it; his ample estate is divided into a few parts, and hired by a few puny lords, and servile imitators of him; each of these sub-divides his part, and sets it to as many more; all these have a profit from it proportionable to their degrees of subordination and quantities of land; at last it is broken into small portions among the poor peasants, whose sweat is to support the idleness, perhaps, of twenty superiors; while all what remains of their labour hardly yields bread for themselves. Their food is barely sufficient to support the day's fatigue, and their habitations will not defend from rain the straw on which they repose; while their unkind lords are wasting life in riot and luxury, regardless of the hand that supplies them with the means."[5]

I have now endeavoured to describe the policy

[4] Works, vol. viii. p. 6.

[5] Judge H— L— N. "Letters from an Armenian in Ireland to

which was pursued by the Irish landlords from the accession of Queen Anne to the death of George II., and, in concluding this chapter, I would ask, what did they gain by their efforts to turn the country into a sheep-walk, and to drive its inhabitants beyond the seas? The question may be worth considering, because the notion that Ireland is a country fit only for flocks, and herds, has not yet been completely dissipated, nor can it be said that the policy of settling the Irish question by getting rid of the Irish people is entirely exploded.

Whatever matters may be open to dispute respecting the question of landlord and tenant in Ireland, there can be no doubt, that the system of pasturage, and depopulation, adopted, and encouraged by the landlords during the first fifty or sixty years of the last century, was productive of the most mischievous results to themselves, and their country. Every one acquainted with Irish affairs is aware that there were in those days, as there are now, great tracts of land in the island fit chiefly for pasturage; and if the landlords had contented themselves with devoting those tracts to grazing purposes, there could be no reasonable ground for complaint. But, they went much farther, and, without exercising the slightest discretion respecting the lands which were fit for pasture, and those which were best adapted for tillage, proceeded to convert the "whole kingdom," to use the language of Skelton, into "a grass farm for its neighbours."[6] Here was the blunder—and one feels

his Friends at Trebizond," pp. 58—60. Judge Willes' words on the subject of the letting of land in Ireland are worth quoting. "The actual occupant or farmer," he says, "has a derivative title, through perhaps ten landlords. Your lordship, for instance, sets me a tract of country for 1000*l.* per annum for a long lease. I set it to two others for 1500*l.* per annum, and divide it. They set it to ten others for 1800*l.*, and divide it; and so divide it till the actual occupant pays such a price for it that he can scarcely live upon it, and is almost a slave to him that is called in this country the small landlord."—"Judge Willes' Letters on Ireland, 1757—1762," Brit. Mus. Add. MSS. 29,262, p. 4.

[6] Skelton, Works, vol. v. p. 367. Skelton's very able letter on the

almost disposed to add the crime—which the landlords committed.

"It is our shame and reproach," says Madden, "that as absolutely necessary as tillage is for our well-being, we have been as careless about it as if, like the Jews, we expected manna from heaven to feed us."[7] "To bestow the whole kingdom on hay and mutton," says Swift, "and thereby drive out half the people who should eat their share, and force the rest to send sometimes as far as Egypt for bread to eat with it, is a most peculiar and distinguishing piece of public economy, of which I have no comprehension."[8]

Tillage having been thus almost completely abandoned, the people became dependent, as Swift said, "on foreign markets for their daily bread,"[9] and the result was that whenever a scarcity occurred in those markets, accompanied by bad seasons at home, famine overspread the land.[1]

But, the constantly recurring famines, which visited Ireland during the eighteenth century, were not the most calamitous results of the policy pursued by the

"Necessity of Tillage" was addressed to a member of Parliament whose estate lay in the south of Ireland, and which, "though the soil was admirably suited for tillage, was, by a pernicious sort of management, applied almost exclusively to grazing."—Burdy, "Life of Skelton," p. l. "Lands employed for sheep-walks," says the author of the "Groans of Ireland," "are the best in the kingdom for corn."—P. 7.

[7] "Reflections and Resolutions proper for the Gentlemen of Ireland," p. 100.

[8] Works, vol. vii. p. 168.

[9] Works, vol. vii. p. 167. "Our soil is good, and exceeds that of most countries in fertility," says Skelton, "but rather than trust to it, we commit our necessary subsistence to the casualties of the seas."—Works, vol. v. p. 354.

[1] "[For the want of tillage] this country, one of the most fertile in the world, is subject to such frequent dearths and famine as it feels."—"Groans of Ireland," p. 4. "We neglect the tillage of our own lands, which would produce us a plentiful and certain crop, and put our lives on the chance of the winds and seas; and so, frequently, [our people] die by thousands before victuals can be had from the American plantations (whose soil is perfectly barren, if compared to ours), or from the Dutch, who huckster to us what they purchased, perhaps, several years

landlords.[2] Worse even than famine were the habits of idleness, the propensities to evil, and the barbarous demoralization generally produced by this policy.[3]

Left without lands to cultivate, or any employment to follow, other than the indolent, and ignoble one of herding cattle, the most energetic and industrious of the peasantry emigrated, while those who remained wandered in thousands, over the country, naked and starving; begging, stealing, and practising the vilest arts, and impositions to enable them to keep body and soul together. We have a horrible picture from Dobbs of beggars mutilating, and blinding their children to make them objects of compassion and

ago from more industrious countries."—Skelton, Works, vol. v. p. 355, "A dearth is now (1757) spread over the face of the kingdom; and the calamities of a general famine are threatened more than ever they were known to be. . . . The cause of all this is evident from the neglect of agriculture, and from the necessity most of our farmers are under to follow a life of pasturage."—"Maxims relative to the Present State of Ireland," Preface iv. Madden, in his "Seventeenth Resolution for the Gentlemen of Ireland," says, "We will, with our best industry and care, endeavour to remove every obstacle to agriculture amongst us. It is throwing away words to show how reasonable this resolution is to a nation which is often perishing for want of corn. . . ."—p. 100.

[2] "This [the famine of 1741] is the third I have seen in the compass of twenty years."—"Groans of Ireland," p. 4. "Tillage, in short, has been the constant cry for a good many years past of all the wise and compassionate of the nation. But our late famines, our mortalities, I hope, have now [1741] raised this cry, as no ear can be deaf to, and no heart insensible of. . . . Our people die by thousands for mere want of bread in one of the richest soils in the world."—Skelton, Works, vol. v. p. 370. "As a consequence of the neglect of tillage and the want of public granaries, [Skelton] takes notice of a terrible famine which prevailed in this country for the two years [1738-39] before he published his letter. 'It was computed that as many people died of want, or of disorders occasioned by it, during that time as fell by the sword in the massacre and rebellion of forty-one. Whole parishes in some places were almost desolate, and the dead were eaten in the fields by dogs for the want of people to bury them.'"—Burdy, "Life of Skelton," p. 41.

[3] See works of Boulter, Swift, Berkely, Dobbs, Madden, Prior, and Skelton; also Lecky, "History of England in the Eighteenth Century," vol. ii. p. 247.

charity;[4] and we have a melancholy one from Lord Taaffe, describing how, hindered from cultivating the soil, the "Sculoag Race"—a body corresponding to the yeomanry of England—"was broken up and dispersed in every quarter," leaving in their place "those miserable wretches on earth, the cottagers—the naked slaves, who labour without food, and live, while they can, without houses, or covering, under the lash of merciless, and cruel taskmasters."[5]

This was the condition of things that the policy of the landlords had brought about—a condition which Skelton predicted would lead to disastrous consequences. "[You have covered the land]," he said, "with a race of sheep, bullocks, and beggars, the latter of whom would infallibly cut your throats, and burn your houses were they encouraged to it by the least disturbance in the country."[6]

But, Skelton was not the only friend and adviser who sought to divert the landlords from the fatal course which they were bent on pursuing. Swift, Madden, Boulter, Berkely, Prior, Dobbs, and others admonished them of the evils of their ways. The views and counsels of those writers may be briefly summarized. They, in effect, said to the landlords: You do not discharge a single duty appertaining to your station. You live out of the country from which you draw annually a sum of not less than 600,000*l.*,[7] and leave your tenants—by whom, did you live among them, you might be 'almost adored'[8]—to the mercy of agents and middlemen. You evict, without mercy, hundreds of industrious peasants to make way for indolent graziers who, in large measure, waste the lands,

[4] Essay on Trade, "Tracts Illustrative of Ireland," vol. ii. p. 443.

[5] "Observations on Affairs in Ireland from the Settlement in 1691 to the Present Time," pp. 12, 13, 14.

[6] Works, vol. v. p. 341.

[7] Prior, "List of Absentees," "Tracts Illustrative of Ireland," vol. ii. p. 243.

[8] Skelton, Works, vol. v. p. 370.

depreciate the value of your property, and contribute to the impoverishment of the country. You confiscate the improvements of your tenants, and let your lands to the highest bidder regardless of his capacity to pay the rent, and of his character for honesty and industry. You show no compassion for the sufferings of your people when distress and famine come. You make no abatement in your rents.[9] You never try to improve the condition of the peasantry. You make no effort to educate or civilize them. You show them no good examples. You live in idleness and luxury, indifferent to the well-being of your dependants, and unmindful of the prosperity of your country. Change those evil courses, said Madden, or the result will be disastrous to yourselves and the country. Live among your people. Let no man stand between you and the cultivator of the soil. Get rid of the superabundant graziers, and surround yourselves with an honest and industrious yeomanry. By such means you will be enabled to draw a greater income from your estates, and you will attach to yourselves a flourishing and a loyal community.[1]

[9] "Although our miseries come on fast . . . the landlord will not abate in his rent."—Swift, Works, vol. vii. p. 102. "I would now expostulate," he says elsewhere, "a little with our country landlords, who, by unmeasurable screwing and racking their tenants all over the kingdom, have already reduced the miserable people to a worse condition than the peasants in France or the vassals in Germany or Poland; so that the whole species of what we call substantial farmers will, in a very few years, be utterly at an end." And, he adds, that they were everywhere canting their land upon short leases, and sacrificing their oldest tenants for a penny an acre in advance. "There is not one argument," he continues, "used to prove the riches of Ireland which is not a logical demonstration of its poverty. The rise of rents is squeezed out of the very blood and vitals and clothes and dwellings of the tenants, who live worse than English beggars."—Swift, Works, vol. iii. pp 118, 119.

[1] I refer especially to Madden and Skelton. The latter's able letter on the "Necessity of Tillage," and the former's able work on the "Resolutions and Reflections proper for the Gentlemen of Ireland," may be read by those gentlemen and their tenants with advantage to-day.

These were the views, and counsels of, perhaps, the best friends the Irish landlords have ever had. But the landlords heeded them not. They persevered in the fatal policy of "sowing evils in the furrows of injustice;" and they were destined to pay the inevitable penalties of their transgressions. Unto the third and fourth generations they were doomed to "reap sevenfold" the "evils" which they had "sown."

CHAPTER III.

THE WHITEBOYS.

"I ASSURE you," says Cooper in his "Letters on the Irish Nation," referring to the Irish peasantry, "that I have felt for the dignity of human nature when I have beheld a race of men who, in form and motion, in stature and countenance, were the pride of the species; on whose persons Heaven has lavished all its favours—

> Os sublime dedit, cœlumque videre
> Jussit, et erectos ad sidera tollere vultus;

who are gifted with courage, with generosity, with all the heroic virtues, and with everything that can give the world assurance of men—to see them, I say, humiliated and degraded to so wretched a condition. I am not the advocate of rebellion, but this I must say, that if such men as these are to be made Helots and Penests of, and chained to the cultivation of the soil without partaking of any of its fruits; . . . their lords and rulers must expect that the avenging thunder will some time burst on their heads."[1]

Seventy years after the Treaty of Limerick had been signed, and violated, the "avenging thunder burst on the heads" of the Irish landlords; and for one hundred and twenty years more, its peals continued, almost incessantly, to be heard.

The first Irish agrarian outbreak occurred in 1761,

[1] Cooper, "Letters on the Irish Nation," p. 73.

and was directly produced by the following causes. Some years previously a murrain had broken out among horned cattle on the Continent, whence it spread to England. The disease was of a serious nature, and the mortality it occasioned very great. In the result, the price of beef and butter rose inordinately, and, Ireland being free from the contagion, the graziers and landlords of that country were vouchsafed a "shining hour," which neither showed any unwillingness to "improve."

The passion for pasture grew stronger, and the landlords exhibited even more zeal than usual to advance, at the expense of the cultivators of the soil, the interests of the graziers, and what, with the fatuity of fools and the recklessness of spendthrifts, they regarded as their own.[2]

Tillage was discouraged, cultivable lands were cleared of their human occupants,[3] commonages,[4] which

[2] "The rents," says Campbell, "are made almost entirely of grazing, and every care is taken to improve the breed of cattle. They bring over, at the peril of forfeiting both ship and cargo, Lincolnshire rams; and the race of these are sold from five to twenty, and sometimes thirty guineas a ram. The landlord who gets his rent without trouble, and the grazier who thrives on depopulation, will tell you the lands of Munster are so rich that they are injured by cultivation. This, however, scarcely requires serious answer; for if their lands were as fruitful as Arabia Felix, industry would improve them. But they have many spaces that demand perpetual culture. Their meadows, mostly in their lowest and wettest grounds, have never been drained, manured, or sowed with grass seeds. If we add to this what ground might be saved by feeding their flocks with turnips, peas, beans, carrots, cabbages, &c., it will be evident that the same farms, now occupied by brutes exclusively, would maintain the same number still, together with farmers and manufacturers fivefold."—"Philosophical Survey of the South of Ireland," pp. 153, 154.

[3] "Cottiers, being tenants at will, were everywhere dispossessed of their scanty holdings, and large tracts of grazing lands were set to wealthy monopolizers, who by feeding cattle required few hands, and paid higher rents."—Plowden, "Historical Review," vol i. p. 337.

[4] The Irish Under-Secretary of the day, Knox, states that "the rights of commonage were taken away from tenants in Ireland without compensation, and that grand juries repealed all presentments on the subject."—Knox's "Extra-official Papers," Appendix, No. 1; and

had been used for years by the peasantry, and whose possession, as Curry expressed it, was "the only means of making their bargains tolerable,"[5] were enclosed, and, in a word (to use the language of Dr. Campbell), graziers were more than ever permitted and encouraged "to thrive on the depopulation of the country."[6] For seventy years the Irish tenants had patiently borne the exactions and oppressions of the landlords; but the limit of endurance had ultimately been reached. Outraged humanity at length rebelled against the system by which it was being degraded and debased. About the end of the year 1761, the peasants of Tipperary rose to protect the common lands which they regarded as

Lecky, "History of England in the Eighteenth Century," vol. iv. p. 320.

[5] Curry, State of the Catholics of Ireland, in his "Review of the Civil Wars," vol. ii. pp. 271, 272.

[6] "A Philosophical Survey of the South of Ireland," p. 154. On the subject of pasturage and clearances, between the middle of the eighteenth and the beginning of the present century, see Campbell, "Philosophical Survey," &c.; Curry, "Candid Inquiry," &c., and "Civil Wars;" Cooper, "Letters on the Irish Nation;" Bush, "Hibernia Curiosa;" Trant, "Considerations of the Disturbances in Munster;" "Cursory Observations on Ireland," by a member of the Dublin Society; Hall, "Tour through Ireland;" Newenham, "Statistical and Historical Inquiry into the Progress and Magnitude of the Population of Ireland;" Hardy, "Life of Lord Charlemont." "The country," says Campbell, "is abdicated by the human species, and peopled with sheep;" and he condemns the "avarice which converts arable lands into pasture."—"Philosophical Survey," pp. 117 and 294. Having referred in detail to the work of depopulation which had, to use the language of Newenham, been so "ruinously" carried on, Curry says, "Look upon this, you Nimrods of Munster, who make men your chase, and beasts your companions."—"Candid Inquiry," &c., p. 35; see also Newenham, p. 44. "The rage for pasture," says Cooper, "every day gains ground, and the country, instead of advancing towards civilization, every day recedes from it, and sinks into the grossest barbarity."—p. 119. Writing from Cashel in 1777, Campbell says, "The squire's country-seat, the rich farm-house, or even the warm cottage, are here looked for in vain. If there be an habitation, it is that of the face-ground shepherd, whose sordid hovel serves but to cast a deeper shade upon the gloom of depopulation. Your philanthropy would sicken at the forlorn state of this goodly tract."—"Philosophical Survey," p. 128.

rightfully theirs, and whose possession was indeed in a sense necessary for their very existence,[7] from the greed of landlord and grazier. In one night twelve of the enclosures which had been erected by the landlords were thrown down. The cattle which had been placed within them were maimed and houghed, and the graziers threatened with like penalties if they ventured again to occupy the recovered commonages.

Having raised the standard of revolt, the peasants evinced a determination to carry on the struggle with great fierceness. Demanding the restoration of the commonages, the reduction of rents, and the reinstatement of the cottiers who had been evicted to make room for the graziers, they marched through the country in formidable bands, levelling fences, rooting up orchards, cutting down trees, and inflicting various injuries on property. Murder, those insurgents rarely committed, but of almost every outrage short of murder they were guilty. Cattle were houghed, houses burned, and human beings tortured and mutilated.

People were dragged from their beds on the cold winter nights, placed perfectly naked on horseback, (the saddles being covered with the skins of hedgehogs), carried far distances from their homes, and then buried up to the chin in holes filled with briars. We

[7] "There are many little commons or vacant spots," says Bush, referring to the Whiteboys, "rising adjacent to the road, upon which the inhabitants of the cabins by the highway side have been used, from time immemorial, to *rare*, as they express it, a pig or a goose, which they have bought very young, [and] the sale of which has helped to furnish them with a few necessaries; many of these have been taken into the fields, or enclosures on the road, by the landlords, who have farmed or purchased them of the lords of the manor. From an impartial view of their situation, I could not, from my soul, blame these unhappy delinquents. They are attacked and reduced on all sides so hardly as to have barely their potatoes left them to subsist on."—"Hibernia Curiosa," p. 137. See also Hardy, "Life of Lord Charlemont," p. 88; and Curry, "State of the Catholics of Ireland," in his "Review of the Civil Wars in Ireland," vol. ii. pp. 271, 272.

read of one man who had his ears cut off; of another who was ordered to refund a sum of money upon pain of having his tongue drawn through his under jaw and fastened with a skewer; and of a third who was blown to pieces by means of a hatful of gunpowder which he was enforced to place beneath him.

In fact, disobedience to the decrees of the Whiteboys—for so the insurgents came to be called[8]—or disloyalty to their movement was punished with barbarous severity.

The landlords were astonished and confounded by this "insurrection of slaves," [9] to use the language of Lord Charlemont. They thought that the wretched peasantry had been so disciplined by the Penal Code, and by seventy years of a cruel and debasing helotism, as to preclude the possibility of a rising against their "iron rule." [1] They were therefore unprepared for the attack, and, surprised by the suddenness and ferocity of the outbreak, found themselves for a time unable to cope with it successfully. Meanwhile the Whiteboys pursued their career of lawlessness and vengeance almost unchecked. The movement rapidly spread from Tipperary to Waterford, gradually extending to the counties of Cork, Limerick, and Kerry, until nearly the whole province of Munster was in arms. At length the landlords were awakened to the seriousness of the situation, and quickly besought the Government for aid to suppress the disturbances, and to protect their lives and properties.

Fearing, perhaps, that the authorities in England would not be sufficiently energetic in their efforts to crush the movement if it were represented as merely

[8] They were first called "Levellers," but finally—on account of the practice which they adopted of wearing white shirts over their clothes—Whiteboys.

[9] Hardy, "Memoirs of the Earl of Charlemont," vol. i. p. 187.

[1] Cooper says that the Irish peasantry "are ruled by an aristocracy with a rod of iron."—"Letters on the Irish Nation." p. 74.

an agrarian revolt, the landlords spread the report that a rebellion in favour of the Pope and Pretender had suddenly broken out, and that British rule in the island was endangered.

The southern proprietors, not trusting the Lord-Lieutenant of the day—Lord Halifax, a man of shrewdness, justice, and sagacity—sent despatches direct to London, informing the Cabinet that French officers in disguise had arrived on the coast and were seen drilling the disaffected peasants by moonlight.[2] The Cabinet apprised Lord Halifax of these rumours, and begged to be placed in possession of his views touching their authenticity. Halifax replied that he would cause inquiries to be made on the subject, and would use all the means at the disposal of the Executive to ascertain the cause of the insurrection.

Having exhausted those means, and directed a searching investigation into the nature of the disturbances, ordering the letters in the post-office to be opened, all suspicious persons to be arrested, and large rewards to be offered to informers, he wrote to Lord Egremont on the 17th of April, 1762: "Not one particular of the matters suggested to your lordship has hitherto come, with the smallest degree of authenticity, to my knowledge. No French officers in disguise have been taken; no trace of a traitorous or suspicious correspondence has been discovered; none of the stated and measured rendezvous to learn military discipline by moonlight have been yet found out." Then, referring to a statement made by the landlords to the effect that the "Protestant gentlemen of Cork" had met and offered a reward for the apprehension of the rioters, Halifax justly observes that "it is but fair and candid to say that the Catholics have acted likewise," [though your informants] "have taken no notice of the fact." Finally, he adds, "Protestants as well as Papists have been concerned in these tumults—

[2] English Record Office. Egremont to Halifax, April 13, 1762.

one or two of the most considerable of those we have hitherto detected are Protestants; these outrages have fallen indiscriminately on persons of both persuasions, and I cannot yet find that any matter of state or religion has been mentioned at their meetings." [3]

Not content with the investigation which had been conducted under his own eyes, as it were, the Lord-Lieutenant sent down a Commission of eminent lawyers to inquire on the spot into the causes and circumstances of the riots; and the Commission reported that "The authors of these disturbances have consisted indiscriminately of persons of different persuasions, and no marks of disaffection to his Majesty's person or Government have been discovered upon this occasion in any class of people." [4]

Finally, it may be mentioned that both the statement made by Lord Halifax to Lord Egremont, and the report of the Commission of Inquiry, were confirmed by the opinion of Sir Richard Aston, the Chief Justice of the Common Pleas, who, with Sergeant Malone, had been selected to try the Whiteboy prisoners. "Upon the strictest inquiry," says Sir Richard, "into the causes of the many outrages committed in different parts of the province of Munster, there did not appear to me the least reason to impute those disturbances to disaffection to his Majesty's Government or the laws in general; but, on the contrary, that these disorders really, and not colourably, took their rise from declared complaints and grievances of a private nature. . . . The subject-matter of their grievances was chiefly such as price of labour too cheap, of victuals too dear, of land excessive and oppressive.

[3] English Record Office. Halifax to Egremont, April 17, 1862.

[4] "Annual Register for 1762," p. 84. This report was published in the *Gazette*, both in Dublin and Londo

"In some instances their resentment proceeded against particular persons for their having taken mills or bargains over the head of another . . . and turning out, by a consent to an advanced price, the old tenant. In the perpetration of these disorders (however industriously the contrary has been promoted), Papists and Protestants were promiscuously concerned, and, in my opinion, the majority of the former is with more justice to be attributed to the odds of number in the country, than the influence arising from the difference of principles." [5]

But, the landlords cared little for opinions or facts which did not accord with their own wishes and aims; and, therefore, anxious to divert attention from the grievances of the peasantry, they persisted, despite the report of the Commission of Inquiry, the views of Chief Justice Aston, and the conclusions of the Executive itself, in ascribing to Popish treason a movement which had its origin entirely in the miseries that a system of exorbitant rents, heartless evictions, and universal neglect, and oppression, had produced.

To do Lord Halifax justice, there is reason for believing that he was desirous of considering the complaints of the peasantry and of ameliorating their condition; but the landlords were too strong for the Lord-Lieutenant, and, yielding to their influence, the Government merely took measures for suppressing the revolt, without dealing in any way with the causes which had given rise to it. A Coercion Act was passed making all persons who went about at night in parties of five or more, assaulting human beings, administering illegal oaths, and injuring property, liable to the punishment of death. Grand juries were empowered to levy a fine on the inhabitants of a district where a crime was committed, and magistrates were empowered to summon and examine suspected persons, and, in case

[5] Burke, "Correspondence," vol. i. pp. 37—41.

of their refusal to appear, to send them to gaol for six months.[6] Special Commissions were issued to try Whiteboy offenders; and the gentry on their own responsibility enrolled a yeomanry corps to hunt down the wretched insurgents—often emulating, in their efforts to crush the rising, the barbarities of the miserable people whom their tyranny had driven into rebellion.[7]

I shall cite one instance of the unscrupulous extremes to which the landlords went, not only in putting down the Whiteboys, but in overwhelming and destroying all whom they suspected of encouraging the people to withstand their unjust power.

During the outbreak one of the most popular men among the peasantry of the south of Ireland was Nicholas Sheehy, parish priest of Clogheen in the county of Tipperary. He was no Whiteboy, and no countenancer of Whiteboy outrages. Many of his parishioners were Whiteboys, and he was unavoidably drawn into frequent intercourse with them. He sympathized strongly with the tenants, and was ready to assist, within the law, any of his parishioners who came to him for advice and help. But beyond this Father Sheehy was a good citizen and a zealous priest. He seems to have been intensely disliked by the local authorities on account, doubtless, of his tenant sympathies, and those functionaries appear to have set themselves deliberately to work to accomplish his destruction. He was suspected by them of assisting the Whiteboys with "French money," and of inciting them to outrage and rebellion. On more than one occasion he had been indicted and tried

[6] 5 Geo. III. c. 8.

[7] "Lord Charlemont says that the hunting of Whiteboys became a fashionable chase, and that he had himself heard Lord Carrick exclaim with delight, 'I have blooded my young dog; I have fleshed my bloodhound,' after a successful hunt in which his son had participated."—MSS. Autobiography referred to in Lecky, "History of England in the Eighteenth Century," vol. iv. p. 342.

as an unregistered priest, but was acquitted. Ultimately, in 1765, the Executive, yielding to local pressure, issued a proclamation, offering the sum of 300*l.* for his arrest, on the ground that he was guilty of high treason. So soon as Father Sheehy heard of the proclamation he communicated with the Government, expressing his readiness to be tried on the capital charge preferred against him, provided the trial took place not in Clonmel, but in Dublin. The Government accepted his offer, and he was tried in 1766 in the Court of King's Bench, Dublin, as a rebel. The trial lasted fourteen hours. The principal evidence produced against the prisoner was, to use the words of Dr. Curry,[8] that of "a blackguard boy, a common prostitute, and an impeached thief, all brought out of Clonmel gaol, and bribed to give evidence against him." The prosecution failed. Father Sheehy was "honourably acquitted."[9] But the local authorities had not yet done with the parish priest of Clogheen. An informer named Bridge, who had given evidence against the Whiteboys, disappeared soon after Father Sheehy's trial. It was at once said that he was murdered, and Father Sheehy, with others, was accused of the crime. The unhappy priest was sent this time to Clonmel for trial. The "blackguard boy, the common prostitute, the impeached thief" were once more called to bear witness against him. For the defence two witnesses of good character were produced to prove that Bridge had left the country, and that Father Sheehy was in the house of one of them—a Mr. Keating, a man of property and repute in the county—when the murder was alleged to have been committed. But the testimony of the three disreputable Crown witnesses prevailed, and Father Sheehy was found

[8] "Review of the Civil Wars in Ireland," vol. ii. p. 275. Sir George Cornewall Lewis describes Dr. Curry as "the earliest and best-informed writer on the subject" of the Whiteboy movement of 1762. —"Irish Disturbances, p. 4."

[9] Curry, p. 275.

guilty, and hanged and quartered for a crime, which not only he did not commit, but which possibly had never been committed.[1]

The "judicial murder"[2] of Father Sheehy, and of many besides him, filled the people with horror, and intensified the hatred with which they regarded their rulers. Nor can it be said, that, even as a temporary expedient, the policy of coercion was very successful; the Whiteboy movement dragged on for nearly nine years, and was then, with difficulty, suppressed.

At the end of the conflict, the contending parties occupied much the same position as they held at its beginning. The tenants, strong in what they deemed the justice of their cause, the landlords, conscious that the power of England was at their back, stood face to face—bitter and implacable foes—the former determined to renew hostilities so soon as they could again take the field, the latter resolved that all future outbreaks should be put down with unsparing rigour.

Contemporaneously with the Whiteboy insurrection in Munster, the Oakboys—another insurrectionary band—rose in Ulster. The Oakboys' grievances were these: unjust contributions levied for the repairs of roads, the payment of tithes, and the rent demanded for bog-land. It was felt, to use the words of

[1] Bridge's body was never found, and Father O'Leary states that Bridge was reported to have been afterwards seen alive in Newfoundland.—O'Leary, Works, p. 282. On the other hand, Father Sheehy is said to have stated in a letter to Major Liss the night before his execution, that Bridge had been murdered, but that the information had come to him in a manner [under the seal of the confessional] which prevented his divulging the names of the murderers. —Madden, "United Irishmen," Second Series, introduction, p. xlix. Whether the report referred to by Father O'Leary was well founded, or the letter alleged to have been written by Father Sheehy was genuine, I am not prepared to say.

[2] So Sir George Cornewall Lewis describes it.—"Irish Disturbances," p. 16.

Sir George Cornewall Lewis, that the "labour which each householder was bound to contribute to the repair of the roads was abused by the landowners; that the rich had been exempted; that the work done had been bestowed on roads more beneficial to individuals than to the public."[3] To the payment of tithes, the Presbyterian peasants of the north seem to have objected equally with their Catholic fellow-countrymen of the south, while the rent of land—bog or other—was a burthen which engaged the attention of the farmers of Donegal, Tyrone, and Antrim, as well as of Tipperary, Waterford, and Limerick. Finding the landlords were not disposed to yield to their demands, the northern peasants rose *en masse*, and, wearing oak-leaves in their hats, marched, in the summer of 1763, through the province, denouncing the system of road "jobbing" and "striking" against road work; making the clergy swear that they would not levy more than a certain proportion of tithes, and the gentry that they would not assess the counties at more than a stipulated rate. The Oakboys erected gibbets in many places, threatened very much, and insulted and rioted a good deal. But the outbreak does not seem to have led to the commission of many outrages. In this respect the rising of the Oakboys compares favourably with the rising of the Whiteboys. How it came to pass that the insurrection of the southern Irish peasants should have been more sanguinary than that of the northern yeomen Lord Charlemont has well explained. "A rebellion of slaves," says his lordship, "is always more bloody than an insurrection of freemen."[4]

However, it was deemed necessary to employ a military force for the purpose of quelling the Oakboy disturbances; it was also considered advisable to make some concessions to the Oakboy demands.[5] By these

[3] "Irish Disturbances," p. 33.

[4] Hardy, "Life of Lord Charlemont," vol. i. p. 187.

[5] A Road Act was passed, throwing the burden of taxation more

means—that is, by the vigorous enforcement of the ordinary law, coupled with the adoption of conciliatory measures—the rising was suppressed in six weeks. A policy of pure coercion, untempered by a single act of conciliation, had scarcely proved effectual in suppressing the Whiteboy rising in nine years. The fact is one to be borne in mind.

The Oakboy disturbances were followed by a much more serious affair—the outbreak of the "Hearts of Steel."

In 1771, the Marquess of Donegal, an absentee proprietor, being desirous of raising the sum of 100,000*l.*, refused to renew the leases which had then expired on his estates in the County Antrim unless the tenants consented to pay fines to that amount for the renewals. This the tenants were unable to do. They were willing to meet the Marquess half way. They agreed to pay more than the interest of the 100,000*l.* besides the old rents;[6] but his lordship would not listen to this offer, and, finding a few wealthy Belfast merchants ready to accept his terms, he let the lands to them in preference to the old tenants, who were ruthlessly evicted—a whole country-side being cleared[7]—and left without the means of subsistence.[8] In these circumstances the northern peasants (who were chiefly Presbyterians) did what, under similar circumstances, the Catholic peasants of the south had done ten years before. They formed themselves into insurrectionary bands, marched through the country maiming and ham-stringing cattle, burning and firing into houses, extorting arms and money, and not stopping even at murder in their riotous career.[9] On the 17th of

on the shoulders of the landlords than had hitherto been the case.—Plowden, "Historical Review," vol. i. p. 347.

[6] English Record Office. Letter from an officer in Lord Drogheda's Dragoons.

[7] Ibid.

[8] Gordon, "History of Ireland," vol. ii. p. 250.

[9] English Record Office. Townshend to Rochford, March, 1772;

January, 1772, they attacked the residence of a Mr. Eustace, forced in the windows, and fired several shots into the house, putting the family in danger of their lives.[1] About the same time one of their number had been arrested and sent to Belfast gaol charged with felony. The "Hearts of Steel" assembled in thousands, moved on the town, surrounded the prison, and forced the military guard to give up the prisoner. In March, 1772, they committed an outrage of even graver character. Among those who had fallen under their displeasure were a landowner named Johnson and a Presbyterian clergyman named Morrell, who had denounced them from the pulpit. Johnson was a brave man and showed a bold front to the "Hearts of Steel." He picked out fifty of the most stalwart of his tenants, armed them, and sent for a Chelsea pensioner to drill and command them. Having fortified his house, and sent away his wife and children, he, with Morrell, who had taken refuge under his roof, resolved at all hazards, to stand his ground and defy the Steelmen. One night in March, the latter, some four hundred strong, advanced on the obnoxious landlord's stronghold. The house was immediately surrounded, whereupon Johnson opened one of the windows to parley with the insurgents. He was ready, he said, to consider their complaints if they would send forward some of their number to state them. "The salute I got for this," says Johnson in his narrative of the occurrence,[2] "was a volley of four guns, which was immediately succeeded by the discharge of many others." Seeing that nothing could be got by parleying, Johnson ordered the Chelsea pensioner and his men into action. A brisk fire was promptly

Memorials of Lord Charlemont and others, March, 1772; Speech of the Lord-Lieutenant, October, 1771.

[1] English Record Office. Memorials of Lord Charlemont and others, March, 1772.

[2] English Record Office. Papers relating to Ireland, 1772.

opened on the insurgents, who quickly and warmly replied. An engagement which lasted an hour ensued. At the end of that time the peasants suddenly ceased firing. Johnson despatched one of his men to reconnoitre and ascertain the cause of the enemy's inaction. The messenger came back with the intelligence that the "Steelmen," despairing of taking the house by storm, had resolved to pull it down, and were digging at the foundations with this intent. Johnson, alarmed at these tactics, despatched a second messenger to treat with the insurgents, but the man was received with a volley and forced precipitately to retire. Johnson himself next approached the besiegers, expressing his willingness to listen to their complaints and consider their grievances, but he met with an equally warm reception. Finding the defence of the house was becoming hopeless, and that in a short time the "Hearts of Steel" would have to be admitted or the building would be razed to the ground, the plucky proprietor determined to cross the River Bann, which separated his residence at Gilford from the town of Newry, and there to seek assistance from the military. Getting out through one of the windows, Johnson dashed quickly across the fields in the direction of the river; but his flight was soon discovered by the insurgents, who instantly gave chase. The fugitive, however, was fleet of foot, and outran his pursuers. Reaching the bank he plunged into the stream, and boldly struck out for the Newry side. The "Steelmen" finding themselves so far baffled, loaded their muskets and fired volley on volley after their intended victim. But fortune proverbially favours the bold, and Johnson emerged from the waters unhurt. Hastening to Newry he told his story to the officer in command, and requested that he might be given a troop of horse to succour the little garrison. The officer refused this request, stating that he expected to be attacked by the "Steelmen" himself and could not afford to lose a man. Johnson remained at Newry for the

night. In the morning he returned to Gilford, to find the interior of his dwelling utterly wrecked and the unhappy Morrell cruelly murdered. It seems that soon after his departure the insurgents succeeded in breaking into the house, whereupon they burned and destroyed whatever they could lay their hands on, made the tenants swear fidelity to their organization, and mercilessly shot the unfortunate clergyman.

Other outrages were committed by the "Hearts of Steel," and several encounters took place between them and the military; but the movement was ultimately put down, as the Whiteboy movement in the south had been put down, by "the sword and the halter."[3] Its effects, however, to use the language of Gordon, "were long baneful. So great and widespread was the discontent that many thousands of Protestants emigrated from [the northern] parts to the American settlements, where they soon appeared in arms against the British Government and contributed powerfully by their zeal and valour to the separation of the American colonies from the empire of Great Britain."[4]

Two years after the suppression of the Steelmen in Ulster, the Whiteboys were again up and doing in Leinster and Munster. They reappeared first at Kildare in 1775. The movement next spread to Kilkenny, and the Queen's County, gradually extending throughout several counties in Munster. The Catholic clergy in Leinster and Munster put forth their whole strength against the Whiteboys, or Rightboys, as the rioters now came to be called. Dr. Troy, the Catholic Bishop of Ossory, published a pastoral in which he vehemently condemned the organization, and pronounced sentence of excommunication upon all who took part in its operations. A similar course was adopted by other Catholic bishops. This action of the Church brought upon it the hostility of the Rightboys. They declared war not only against

[3] O'Conor, "History of the Irish Catholics," p. 313.
[4] "History of Ireland," vol. ii. p. 251.

the landlords, but against the clergy—Catholic and Protestant. The landlords were denied their rents, the parsons their tithes, and the priests their "dues." The tithes formed a most obnoxious impost at this time, and the efforts of the Rightboys were chiefly directed against them. The brunt of the conflict, indeed, fell very much upon the Protestant clergy, and next to them, strange as the statement may seem, the Catholic priests appear to have been the principal sufferers.

The Rightboys held their assemblies at regular intervals throughout the southern counties, swearing "to obey no laws except those of Captain Right, and to starve the clergy." Their proceedings were marked by skill and address, and their lawless aims pursued with system and design. They issued manifestoes from time to time regulating the payment of rent and dues, the collection of parish cess, the nomination of parish clerks, and, in some cases, of curates. They declared what churches should be repaired and what not; what taxes might be collected, and what should be refused. Opposition to their demands and regulations, no matter from what quarter it came, met with prompt and effectual punishment. The disobeying priest was treated with almost equal severity with the disobeying parson or landlord. We learn that one priest was "torn nearly limb from limb" at the altar because he exercised his influence in the maintenance of "law and order." Another, who had made himself obnoxious by his efforts to suppress the organization in his own parish, was "buried to the neck, first being enclosed, naked, in brambles and thorns." In some parts of the country, where the Catholic clergy, nobility, and gentry had been especially active in trying to quell the disturbances, the Catholic chapels were "nailed up and the pastors driven from their parishes." The Protestant parsons who collected tithes in contravention of the Rightboy decrees were

treated with the utmost rigour. One dignitary of the Protestant Establishment was, we learn upon the authority of the Protestant Bishop of Cloyne, "forced to come out of his house at midnight by a band of one hundred and fifty ruffians to swear that he would give up his legal rights, a gun being pointed close to his head while the oath was tendered, and a horse produced with a saddle full of spikes, on which he was to be mounted if he refused to swear." Another "was menaced that he should meet with a 'horrible reception' if he did not obey the Rightboy laws, though he had by a public notice declared submission." A third "received a written message declaring that if he intended such 'villiany' as to set tithes at the old rates the Rightboys had prepared a pitched shirt for him, in which they would set him on fire." The Protestant clergy were sorely pressed by the Rightboy movement, which may be described as the first tithe war. They had in several cases to fly from their parishes and take refuge in the large towns. So great were their danger and distress that a Bill was introduced in the Irish House of Commons in 1786, "to protect the persons, houses, and properties of rectors, vicars, and curates actually resident within their parishes." This mild Coercion Bill was, after a protracted debate, rejected by an Irish landlord Parliament, principally because it proposed to levy a fine on the land of the parishes where the injuries were inflicted. Indeed, it would seem, upon the whole, that during the Rightboy agitation the landlords had not much sympathy for the clergy. There are those who have gone so far as to say that the disturbances were actually encouraged by the landlords for their own ends. This grave statement was made in the Irish House of Commons on January 31st, 1787, by no less a personage than Mr. Fitzgibbon (then Irish Attorney-General, and afterwards Lord Clare).

"Sir," said the leading law officer of the Govern-

ment, "upon the best inquiry that I have been able to make it does not appear that there is the least ground to accuse the clergy of extortion. Far from receiving the tenth, I know of no instance in which they receive the twentieth part. I am very well acquainted with the province of Munster, and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province. I know that the unhappy tenantry are ground to powder by relentless landlords; I know that, far from being able to give the clergy their just dues, they have not food nor raiment for themselves—the landlord grasps the whole; and sorry I am to say that, not satisfied with the present extortion, some landlords have been so bad as to instigate the insurgents to rob the clergy of their tithes, not in order to alleviate the distress of the tenantry, but that they might add the clergy's to the cruel rack-rents already paid."

Dr. Curry, in his "Review of the Irish Civil Wars," also says: "It was well known that several Protestant gentlemen and magistrates of considerable influence in the province [of Munster] did all along, for their own private ends, connive at, if not foment these tumults." Again, Mr. Lowther, one of the members of the Irish House of Commons, stated in the debate upon which Lord Clare made the speech to which I have already referred, that—

"The magistrates and landlords are accused, and, I fear, not without reason, as one cause of the Whiteboy disturbances."

In the same debate, Sir James Cotter, in defending the magistrates of the County of Cork, admitted that—

"Perhaps some have been base enough to connive at the excesses in hopes of raising their rents by adding the clergy's share to what they now receive."

Finally, Dr. Woodward, the Protestant Bishop of Cloyne, distinctly stated, in a pamphlet written in 1781, that the "Rightboys were encouraged in their

hostility to the clergy and the Church by the Protestant landlords."

However this may be, the effects of the Rightboy movement were for a time most severely felt by the parsons and the priests; the latter completely lost their influence over the people in many parts of the south of Ireland—the former were reduced to pinched and straitened circumstances.

This Whiteboy-Rightboy movement continued, with partial interruptions, from 1775 to 1787, in the earlier years of which period it was directed against the landlords; in the later, especially from 1785 to 1787, mainly against the clergy.[5] In 1788-90 it was suppressed.

It has sometimes been said that the Whiteboy disturbances of 1762 were rather of a political and religious, than of an agrarian character. This statement rests in the first instance upon the authority of Sir Richard Musgrave,[6] and in the second upon the authority of Mr. Froude.[7] I shall show that it has no foundation in fact, and that the author of the history of "The English in Ireland in the Eighteenth Century" has erred egregiously in following the lead in this matter of a man who has justly been described as "a careless liar."[8]

Both writers exhibit anxiety to connect the first Whiteboy movement with the French expeditions to Ireland in the earlier years of the second half of the eighteenth century, and for obvious reasons: because these expeditions being indubitably of a political character, if it could be proved that the Whiteboys worked in union with the French invaders, a plausible

[5] See Lewis, "Irish Disturbances" (where original authorities are carefully collected); Plowden, "Historical Review," vol. ii.; "Irish Debates," vols. vi. and vii.; Curry, "Civil Wars;" Arthur Young, "Tour in Ireland."

[6] "History of Rebellions in Ireland."

[7] "The English in Ireland in the Eighteenth Century."

[8] Madden, "United Irishmen," Second Series, vol. i. introduction p. viii.

case might be made out in favour of the theory sought to be maintained.

The expeditions in question were two; that of Conflans in 1759, and that of Thurot in February, 1760. Sir Richard Musgrave endeavours to identify the Whiteboys with the first enterprise, and for this purpose antedates the time of the rising, which he says occurred in 1759.[9]

Mr. Froude, on the other hand, seems to think that it was with Thurot, and not with Conflans, that the Munster insurgents acted, and accordingly he fixes the date in 1760.[1] The inaccuracy of each statement is capable of easy proof.

The original authorities on the subject, who deal precisely with the matter of date, are Crawford, Gordon, John Wesley (who was in Ireland in 1762, and who, as he tells us, "procured an exact account" of the disturbances), the anonymous author of a letter in the *Gentleman's Magazine* for April, 1762, "From a gentleman residing in Youghal to his son in London;" Arthur Young;[2] and Dr. Campbell. Of these, Gordon fixes the date in 1762,[3] Crawford in 1761,[4] John Wesley in *December*, 1761,[5] the writer in the *Gentleman's Magazine* in *October*, 1761,[6] while both Young and Campbell expressly declare that

[9] "History of the Rebellions in Ireland," p. 32. Sir George Cornewall Lewis charges Musgrave with "intentional misrepresentation." These are his words: "Sir R. Musgrave places the first Whiteboy disturbances in 1759, which appears to be an intentional misrepresentation in order to make the rising coincide in time with Conflans' intended expedition, with which he states it was connected, and which falls in that year."—"Irish Disturbances," p. 17, n.

[1] "English in Ireland," vol. ii. p.

[2] "Arthur Young," says Sir George Cornewall Lewis, "may be considered an original authority on this [the Whiteboy] subject, inasmuch as he travelled in Ireland in 1776, and collected his information on the spot."—"Irish Disturbances," p. 7, n. Dr. Campbell visited Ireland in 1777 and also collected his information on the spot.

[3] "History of Ireland," vol. ii. p. 240.

[4] Ibid. p. 316.

[5] Journal, vol. iii. p. 93.

[6] Vol. xxxii. p. 182.

the movement was in no way connected with the French expeditions.[7]

The statements that the rising took place either towards the end of 1761, or during the year 1762, are corroborated by the fact that the Lord Lieutenant referred, in opening the Parliamentary session on the 22nd of October, 1761, to "the peaceable demeanour of the Papists of this kingdom," and hoped that nothing might interrupt the prevailing "tranquillity;" while in closing the session, on the 30th of April, 1762, he alluded to the recent tumults and riots of the lower sort of people in some distant quarters, which he trusted were wholly suppressed.[8] Thus, it would seem that the first Whiteboy rising occurred between October or December, 1761, and April, 1762. But whether the rising took place in 1761, or 1762, there is not a particle of evidence furnished by Sir Richard Musgrave or Mr. Froude to show that it occurred in 1759 or 1760. Indeed, the one thing most clear about the matter is that it did not take place in either of those years.

However, apart from the question of the Whiteboy movement being coincident with the expedition of Conflans, or the landing of Thurot, the evidence that it was not of a religious or political character is abundant. The historians, Crawford, Gordon, Curry, the Lord Lieutenant Halifax, Judge Aston, Judge Robinson, Arthur Young, Campbell, Bush, Lord Charlemont, Hely Hutchinson, O'Conor, Lord Taaffe, Edmund Burke—all concur in ascribing a non-political and non-religious origin to the insurrection.

I do not think it necessary to give extracts from the statements of all those unimpeachable authorities, but a sample of what may be found in their writings or

[7] Young, "Tour in Ireland," part I. p. 75; Campbell, "Philosophical Survey," p. 298.

[8] 7th Irish Com. Journ., pp. 13, 173; and Lewis, "Irish Disturbances, p. 17, n.

speeches on the subject of Whiteboyism deserves to be quoted. "In the perpetration of these disorders," says Chief Justice Aston, "(however industriously the contrary has been promoted) Papists and Protestants were promiscuously concerned, and, in my opinion, the majority of the former is with more justice to he attributed to the odds of number in the country, than the influence arising from the difference of principles." [9] "Protestants, as well as Papists," says Halifax, "have been concerned in these tumults—one or two of the most considerable of those we have hitherto detected are Protestants; these outrages have fallen indiscriminately on persons of both persuasions, and I cannot yet find that any matter of state or religion has been mentioned at their meetings." [1] "The Roman Catholic clergy," says Hely Hutchinson, "have been treated with the utmost cruelty by the same insurgents and rioters that had insulted and injured many of the Protestant clergy," and he added, "the disturbances do not proceed from religious prejudices." [2] Arthur Young [3] describes as "infamous and perjured" those who attempted to prove the religious origin of the movement, and, as an illustration of its non-sectarian nature, mentions how the Catholics of Ballygarret, in the county of Kilkenny, drove away, with considerable loss, a body of Whiteboys who attacked a house in the town!

[9] Burke, "Correspondence," vol. i. p. 37—41. I have already quoted these words, and Lord Halifax's, which follows in the text, but think them worthy of repetition here.

[1] Halifax to Egremont (secret), April 17th, 1762. English Record Office. "Were they not Protestants," says Father O'Leary in his answer to Bishop Woodward, referring to the disturbances, "who proposed the oaths to the congregation at Clonakilty? Were they not Protestants who overran the parishes of Affydown and Skibbereen, &c.? Were they not Protestants who headed a party of four hundred Whiteboys near Buttevant? The most respectable criminals—if a criminal can be called respectable—who were arraigned before the judges on the Munster circuit were Protestants."—O'Leary, "Defence," p. 40; and Lewis, "Irish Disturbances," p. 153.

[2] Irish Debates, vol. vi. pp. 409—445.

[3] "Tour in Ireland," part i. pp. 81—85.

The Duke of Rutland states in a paper dated September, 1786, that "the assizes of Tipperary have ended with a capital conviction [against] John O'Flaherty . . . a Whiteboy captain, who, with some of his party, had fired at Mr. Mannin, a Roman Catholic who had gone out with forty of his tenants to oppose about 500 Whiteboys under O'Flaherty, who had come with the intention of swearing in Mannin's tenantry." [4]

Having now disposed, I hope satisfactorily, of the allegations that the Whiteboys were religious fanatics or political conspirators, it becomes necessary for me to point out the exact causes from which their movement sprang.

Mr. O'Driscoll, in his "Views of Ireland," states that Wolfe Tone, and his colleagues, experienced considerable difficulty in inducing the southern peasants to join the *United Irishmen* organization, because these unhappy creatures felt that their quarrel was not so much with the British Government as with the Irish landlords;[5] and Sir George Cornewall Lewis, commenting on this statement, says that "in joining the rebellion the Irish peasant did not look beyond the alpha and omega of his grievances—land." [6] With equal truth it may be affirmed that the Irish peasants in becoming Whiteboys thought only of obtaining redress for the wrongs to which, as occupiers of the soil, they were subjected.

I have already given a description of the relation of landlord and tenant in Ireland during the first sixty years of the eighteenth century. I have only to add that, as the landlords acted during that period, so they continued to act up to the Union. Indeed, the characteristics of Irish landlordism have always been the same. The exaction of impossible rents, the eviction of industrious tenants in order that farms might be let merely to the highest bidder, the depopulation of whole

[4] English Record Office. [5] Vol. ii. p. 205.
[6] "Irish Disturbances," p. 38, n.

country-sides to make way for monopolizing graziers, the absence of all sympathy with the feelings and the needs of the people—these have at all times been the distinguishing features of the Irish land system. No motives less strong than treasonable designs against the British Government, and a hatred of the Protestant religion will, in Mr. Froude's estimation, supply a sufficient reason for the existence of Whiteboyism in the eighteenth century. Yet few know better than he does [7] how terrible was the condition to which the Irish peasants were reduced by the rapacity of the landlords; and does Mr. Froude or any one else think that a people could for ever submit to such hardships without hating those who imposed them, and longing for vengeance? The lower orders of the Irish had seldom present to their minds the misconduct of the Government; but they had always before them instances of the oppressions and maltreatment of the landlords. The proofs of the accuracy of this statement are incontestable. I could produce the evidence of many witnesses to support its truth, but the exigencies of space permit me to refer only to the testimony of a few. "The general rise of lands in the kingdom," says an able pamphleteer of the eighteenth century, "has rendered the greatest part of the tenantry absolutely dependent upon their landlords. The rack-rents they are bound to pay, and their inability to make punctual payments, reduce them almost to a state of slavery and subjection to their landlords." [8] "The landlords, first, and subordinates," says Bush, "get *all* that is made of the land, and the tenants, for their labour, get poverty and potatoes." [9] "The tenant starves and the landlord has the whole value," corroborates Campbell.[10] "The landed man of Ireland," says George Ogle, one of the leaders of the Ascendency party, "is the great

[7] *Post*, p. 83.

[8] "A Letter on the Abuses in the Administration of Justice in Ireland," by an attorney-at-law (Dublin, 1788), pp. 17, 18.

[9] "Hibernia Curiosa," p. 32. [10] "Philosophical Survey," p. 315.

extortioner. There is hardly an estate which is not let to the highest penny, and much above its value."[1] "I hope to be excused," says Townshend in a letter to Weymouth, dated the 23rd of November, 1770, "for representing to his Majesty the miserable situation of the lower ranks of his subjects in this kingdom. What from the rapaciousness of their unfeeling landlords and the restrictions on their trade, they are among the most wretched people on earth."[2] "The landlord," says Campbell, "sets up his land to the best bidder. . . . And thus it happens that the wretched tenant, to whom long possession gives no preference, is driven from his little dwelling unless he outbids every other proposer. Upon such hard conditions you may see it is morally impossible that this country can be improved successfully; for the tenant is persuaded that every improvement he makes will enhance the difficulty of renewing his lease."[3] "The Whiteboys," says Young, "met with all those oppressions I have described, and would probably have continued in full submission had not very severe treatment in respect of tithes, united with great speculative rise of rents about the same time, blown up the flame of resistance. . . . The gentlemen of Ireland never thought of a radical cure from overlooking the real cause of the disease, which, in fact, lay in themselves, and not in the wretches they doomed to the gallows."[4] Lord Charlemont enumerates the grievances of the peasantry thus: "Exorbitant rents, low wages, want of employment in a country destitute of manufactures, where desolation and famine were the effects of fertility; where the rich gifts of a bountiful mother were destructive to her children, and served only to tantalize them; where oxen supplied the place of men, and, by leaving little room for cultivation while they enriched their pampered owners, starved the miserable remnant of thinly-scattered inhabitants;

[1] "Irish Debates," vol. vi. p. 435. [2] English Record Office.
[3] "Philosophical Survey," p. 315.
[4] "Tour in Ireland," vol. ii. p. 30.

farms of enormous extent let by their rapacious and indolent proprietors to monopolizing land-jobbers, by whom small portions of them were again let and relet to intermediate oppressors, and by them subdivided for five times their value among the wretched starvers upon potatoes and water." [5]

So much with reference to the testimony of witnesses, who cannot be regarded as hostile to the landlords on this subject of the Whiteboy movement. But it may be worth while to see what a Whiteboy himself has to say upon the question. In a remarkable proclamation issued in the county of Cork in 1787, one of the insurgent leaders describes the views, objects, and grievances of his confederates as follows:—

"Land-setters in whom the fee-simple lies have encouraged their tenants to manure and improve their lands on presumption of renewing their leases when they expire. The poor tenant, being encouraged by the land-setter's deluding speeches, will go on with building, ditching, draining, and planting fruit and forest trees until he drains himself from every penny he can collect or make, having implicit reliance on the landlord's former promises, and enjoying the thoughts of himself, his son, or daughter having the pleasure and satisfaction of keeping the benefit of his money and labour. Now, dear brethren, ye will give me leave to inform ye that I declare myself as true and as faithful a subject as any in Ireland, both to King and Government, and as the laws of England are our chief directory, [we want to be] governed by them. In England, when the tenant's lease is expired no man dare cant him or his children off his farm, nor will the landlord dream of setting to any other person but the occupier.[6] This is the fair, honest mode practised

[5] Hardy, "Life of Lord Charlemont," vol. i. p. 171.

[6] The correctness of this view is proved by Campbell, who says, "We [in England] in general imagine that a twenty-one years' lease is a very good one, and so it is with us, where the present occupier is supposed to have a *tenant-right*, and where the tenant is allowed to make three times what he pays for his land—one share for his rent, another for the support of his family, and a third for contingencies. But here [in Ireland] there is no such allowance made, for if the tenant can pay his rent and exist upon potatoes and butter-milk, his landlord thinks he has a good enough bargain."—"Philosophical Survey," pp. 315, 316.

in England, which mode shall be established in this kingdom. . . . Let no man in like manner think that I want to encourage any tenants to rob or deprive the landlord of being offered the full value of his ground. No, I do not; and in case of a misunderstanding between the land-setter and the occupier, in such case of difference I order that such tenant will take from the land-setter at the valuation of two or three honest, disinterested gentlemen of that part of the country; any tenant refusing this order to be banished, punished, and deemed a dishonest man.[7]

I forbear from adding to the testimony of these witnesses. But, assuredly, it is not too much to say, that, the extracts I have quoted prove the existence of causes sufficient to account for Whiteboyism, without seeking to assign a political and religious character to the movement. And, indeed, the marvel is that Mr. Froude, who tells us that "The landlords of Ireland cared no more for the souls and bodies of those who were committed to their charge, than the drivers of a West Indian plantation for the herds of slaves whose backs were blistering in the cane-fields,"[8] should have gone so far afield to look for the origin of an organization the causes of whose existence might, as Mr. Lecky says, be easily found on "the surface."[9] "Misery, oppression, famine"[1]—the result of landlord injustice, heartlessness, and greed—these, and these only, were the potent forces which gave life and energy to the Whiteboy movement.

As there were no Irish agitators in the eighteenth century who turned their attention to the subject of landlord and tenant, it is unnecessary to say that no-

[7] Irish State Paper Office. "Papers on the State of the Country." See also Lecky, "History of England in the Eighteenth Century," vol. iv. p. 333.

[8] "English in Ireland," vol. ii. p. 23.

[9] "History of England in the Eighteenth Century," vol. iv. p. 340.

[1] It was thus Lord Charlemont summed up the causes of Whiteboyism.—Hardy, vol. i. pp. 172, 173. Bush, referring to the provocation given to the peasants, said that he would rather "head the insurgents than discover their retreat."—"Hibernia Curiosa," p. 136.

thing was done for the benefit of the latter. It must not, however, be supposed that the question of the Land remained wholly unnoticed even at this early period. The great evils of the system—absenteeism, insecurity of tenure, confiscation of the tenant's improvements—were exposed by many writers; but by none with so much ability as the author of the pamphlet, "The Strong-box Opened," and George Cooper.

In 1780, the former described the defects of the Irish land system very much as they were described more than half a century later by Lord Stanley in the House of Commons. He pointed out, as Lord Stanley subsequently pointed out, the difference between the practice of landlordism in England and Ireland, showing how in the one country the landlord made all the improvements, how the tenant "entered on a farm already divided, drained, fenced, and perhaps planted;" while in the other "all this was done by the tenant," who, nevertheless, was at the end of his term evicted without compensation, and the land canted to the "highest bidder," with the considerate notification that "no preference" would be given to the "old tenant." [2] He declared that improvements in agriculture would never be made, and the well-being of the country never advanced, until the tenants were secured in the occupation of their holdings; and for the attainment of this end he proposed the granting of leases for lives, renewable for ever, "upon the tenants either immediately paying an

[2] "The Strong-box Opened," &c., pp. 9, 10, 11. Lord Stanley's words were, "The relative circumstances of landlord and tenant are not the same in Ireland as in England. Every tenant-farmer, on taking a farm in England, and I believe in Scotland, looks as a matter of course to the landlord to place the farm, before he enters, in tenantable repair—that is, in regard to the fences, the drains, the dwelling-houses and buildings, and, in short, in regard to all those things which in England are considered as the necessary accompaniments of a farm; but in Ireland the case is not only dissimilar, but exactly the reverse."

advanced rent of the difference in value between a lease of thirty-one years and a lease for ever; or paying at the fall of every life such a fine as shall be an equivalent for the above difference."[3]

George Cooper, who seems to have thought that all the misfortunes and miseries of Ireland were traceable to the landlords and the parsons, proposed, as the *panacea* for Irish ills, fixity of tenure and the abolition of tithes. "All improvements in agriculture," he said, "were checked by the covetousness of the landlords and the exactions of the clergy;" and the one remedy for Irish disorder and poverty was, he urged, to be found in the adoption of measures for "securing to the farmer the fruits of his own labour." "He must," he said, "have secured to him the advantage of every improvement which he shall make, and this can only be done by granting long leases and fixed rents."[4]

I need scarcely say that not the slightest attention was paid to the suggestions of either the author of the "Strong-box Opened" or of George Cooper. The tenant was still left insecure in the occupation of his holding, his improvements still continued for many a decade to be unscrupulously confiscated, and his "body and soul" utterly neglected by the gentlemen to whose "charge" he had been unhappily confided.

Though nothing was done for the benefit of the occupier of the soil in Ireland during the eighteenth century, certain measures were introduced for the relaxation of the penal code as it affected the subject of the Land, and these deserve to be mentioned.

In 1763, Mr. Mason introduced a Bill to empower Papists to lend money on real securities. The measure was opposed by Mr. Le Hunte, on the ground that it would tend to make Papists proprietors of a great part of the property of the kingdom, and finally postponed

[3] Ibid.

[4] "Letters on the Irish Nation," p. 112 *et seq.*

until 1764, when it was rejected by a majority of forty-four.

In 1771, an Act was passed permitting Papists to hold on lease certain acreages of "unprofitable and unwholesome bog," on condition that they should reclaim half of it in twenty-one years, and that when reclaimed its depth from the surface should be at least four feet. On no account was the bog to be within a mile of any city or market-town.[5]

However, in 1778, a substantial concession was made, under circumstances which Lord Grenville has described thus: "[The concession of 1778] was passed when our arms were the most unsuccessful in America; when the cause of the United States was becoming fearfully popular in Ireland, and immediately after the news of General Burgoyne's defeat at Saratoga."[6]

This concession of 1778 enabled Papists to hold leases of land for 999 years (though not to purchase the freehold) and to inherit land in the same way as Protestants. It, moreover, repealed the provisions in the Act of Anne which secured the property to the conforming child, or children, of Catholic parents to the detriment of those who, by ordinary law, were entitled to inherit.[7]

In 1782, the concession of 1778 was enlarged by an Act which enabled Catholics to purchase in fee-simple, and take freehold lands.

These were the steps taken prior to 1800 to relax the stringency of the Penal Code as it affected the question of the Land.

I have now endeavoured to trace the history of the land War in Ireland between 1760 and 1800. In so

[5] 11 and 12 Geo. III. cap. 21.

[6] "Letter to the Electors of Aylesbury on the Catholic Question, p. 30.

[7] 17 and 18 Geo. III. cap. 49.

doing, my aim has been to show, in the first instance, that a constant struggle between landlord and tenant went on during those years, and, in the next, to state the causes of it. In the ensuing chapters, in which it will be my duty to follow the fortunes of the struggle down to 1849, I shall adopt a similar plan; first relating the events of the war at each period; then describing the causes from which, also at each period, it sprang.

CHAPTER IV.

1800—1835.

For seven years after the Union there was a cessation of hostilities between landlord and tenant in Ireland. Then the conflict was renewed.

In 1807, the Whiteboys "took the field" in Limerick. In 1811, and 1812, the war spread to Tipperary, Waterford, Kilkenny, Westmeath, Roscommon, and the King's County. In 1815, it became necessary to place a great part of the County Tipperary, considerable portions of the King's County, and the County Westmeath under the Insurrection Act. In 1817, the Act was extended to the County Louth. In 1820, disturbances broke out in Connaught, and during 1821, 1822, and 1823 the peasants of Munster and Leinster, despite all measures of repression, remained practically in open revolt against their lords and masters. Between 1824, and 1829, there was a lull, destined, however, to be followed by a greater storm than ever between 1830; and 1835, when the Whitefeet, the Blackfeet, the Terryalts, the Lady Clares, the Molly Maguires, and the Rockites overran the land.

All these associations, from the Whiteboys of 1807 to the Rockites of 1835, sought one end, and pursued it by uniform means; the end, the adjustment of the relation of landlord and tenant for the benefit of the latter; the means, the destruction of the lives and properties of all who thwarted their designs. The

demands of the insurgents may briefly be formulated under three heads:—

(1) Reduction of rents;
(2) Undisturbed occupation of their holdings by tenants;
(3) Increase of labourers' wages.

To enforce the acceptance of those demands no act was deemed too unlawful or criminal. Cattle were houghed, men tortured and mutilated, houses burned down, and human life taken without pity and without remorse. Landlords who evicted, tenants who took farms from which the previous occupiers had been expelled for not paying an increased rent, magistrates who had made themselves conspicuous in enforcing the law, peasants who had turned informers, and police and soldiers engaged in maintaining law and order, were all marked out for vengeance.

In 1815, a dispensary in the County Tipperary was taken by the Government for the purpose of being used as a police barrack. One night a vast number of peasants attacked the house, drove the police out *vi et armis*, and burned the building to the ground. For this act thirteen men were hanged.

In 1816, the house of a tenant who had taken a farm at a higher rent than the previous occupier could pay, was set on fire and destroyed. Immediately in the neighbourhood of the outrage Mr. Baker, a very energetic magistrate, resided. He set vigorously to work to track the incendiaries, and succeeded in arresting six of them. One morning, some time afterwards, he attended the petty sessions at Cashel. The Whiteboys watched him during the day, and awaited his return in the afternoon. Four parties were stationed on different roads to prevent his escape, while the peasants of the surrounding country mounted the house-tops, climbed on to hay-ricks, and gathered on the hill-sides to co-operate, if necessary, with the insurgents. As Baker drew near, signals were passed along the way announcing his approach; and, in broad

daylight, within a short distance of the town of Cashel, and in the presence of a vast concourse of people, the unfortunate magistrate was shot dead. Thirteen thousand pounds were offered by Government for the apprehension of the murderers, but no one could be found to "turn informer." At length one man was arrested by the vigilance of the police, tried, and sentenced to death. While awaiting execution the criminal was offered a free pardon if he would disclose the names of his accomplices. He gave some information to the authorities, and then his wife went to see him, and on her knees begged him to die rather than betray his comrades. He listened to her, yielded to her entreaties, and was hanged.

In March, 1821, the house of a gentleman named Torrance, residing near Limerick, was attacked by a number of peasants, who demanded fire-arms. Torrance refused to give the arms, and successfully resisted the efforts of the peasants to obtain them by force. Three months afterwards, while returning with his wife from a farm in the neighbourhood of Adare, which he had taken "over the head" of the previous occupier, he was attacked by two men, who struck him to the ground and beat him with sticks. His wife gallantly rushed to his rescue, and in a violent struggle which ensued she was stabbed to death, while he, covered with wounds, barely escaped with his life.

In October 1821, Mr. Going, the chief of police in Limerick, was, while on his way to Rathkeale, shot dead in the noon-day, on the public highway, his body being perforated by five musket-balls. He had on his person at the time a considerable sum of money and other valuables; none of these were touched. In less than an hour after his death the neighbourhood was ablaze with bonfires, in popular rejoicing at the deed of vengeance which had been done.

In the same year, a middleman in the County Kil-

kenny, who had evicted his tenants, and was boycotted in the neighbourhood in consequence, brought a gang of labourers from elsewhere to dig his potatoes. One night his house, and the cabins of the labourers were attacked and burned to the ground with all their inmates, numbering seventeen souls.

In 1819, a peasant named Delane and his wife gave evidence for the Crown on a Whiteboy trial. The prisoners were convicted and hanged, and the Delanes forced to fly the country. After an absence of several years they came back, in the hope that their offence of "swearing away the lives" of agrarian insurgents was forgiven and forgotten. But they were doomed to be terribly disappointed. Before they had been many months in the country, the house in which they lived with their child—a little girl seven years old—was broken into. Delane was dragged from his bed and killed in an adjoining room. His wife heard the sounds of the struggle, and turning to the child said, "You hear those noises? They are killing your father, and when he is dead they will come and kill me; but mark well the men who do it. Look into their faces and take care that you will know them again. See," she added, taking up a sod of turf and throwing it into the flickering fire; "that is my last act. I have lighted the fire for you to see better by, so that you can swear to the men and bring them to the gallows." Her anticipations were realized. As soon as Delane was dead the peasants called on his wife "to come out." She refused. They then entered the room, dragged her out, and killed her. The child did as she had been told. She marked the murderers well, identified them at the trial, and on her evidence eighteen men were hanged.

In 1822, a farmer in Kilkenny had made himself obnoxious to the Whiteboys. His cow was driven into a bog-hole and drowned. Subsequently, he sent a labourer to remove the skin, and the man was shot dead at noon-day.

In the same year, a peasant named Stack gave information of a murder which had been committed in the County Clare. The police, acting on this information, arrested the murderer one night, and on the next Stack was shot dead.

In 1830, a farm from which the previous occupier had been evicted was taken by a man named Maddox. In 1832, Maddox's house was attacked by a band of Whiteboys. Two constables who had been placed there to protect him were killed, while he himself, his wife, and two sons were badly wounded.

In March 1832, a party of peasants, led by a "tall, well-dressed man," called at the house of a widow lady—Mrs. Wilson—near Ballyraggett, in the county of Kilkenny, to demand arms. On their approach Mr. R. Wilson, her brother-in-law, shut and locked the door, when the following dialogue took place between him and the leader of the peasants :—

WILSON,—What do you want?

LEADER,—We come for arms.

WILSON,—We have not any arms; they were sent into town immediately after the attack on Mr. Cahill's house in February last.

LEADER,—You have a gun for shooting crows?

WILSON,—We have only an old carbine, which would be of no use to you.

LEADER,—Yes, you have a fowling-piece; and we want powder also.

WILSON,—We have not got any, nor had any for the last week.

LEADER,—You have, for you got a pound of it from town last Wednesday. We don't wish to injure or smash your house, but if you don't instantly let us in and give us the powder we'll do both.

Mr. Wilson then let them in. They were no way disguised, except the leader, who had a handkerchief tied over his mouth and nose, having, he said, a severe cold. He sat down on a chair and ordered his men about, addressing them as 1, 2, 3, 4, 5, and so on. While the men were searching the house for arms the leader entered into the following conversation with Mr. Wilson :—

LEADER,—We are going on a serious expedition, and when we are done with the gun it will be returned.

WILSON,—Will you allow me to ask you a few questions?

LEADER,—By all means.

WILSON,—What do you intend by taking up such a quantity of arms?

LEADER,—To put down tithes and land-jobbers.

WILSON,—With regard to tithes, you ought not now to complain; you do not pay them, and the Government have promised and are taking measures to afford you relief.

LEADER,—The people may thank us for that.

WILSON,—What do you mean by land-jobbers?

LEADER,—Land-jobbers are rascals that go and take land ten years before it is out of lease.

WILSON,—I believe nothing of that kind occurs now?

LEADER,—Oh, every man to his taste! Let us have the gun.

WILSON,—It would be impossible for us to keep the crows off the wheat without it.

LEADER,—Any expense you are at to keep the crows off I'll pay. Crows are of little consequence compared to the cause of the country.

The party then decamped, taking with them the carbine and fowling-piece and some rounds of ammunition.[1]

About the same time, Mr. Marum, a gentleman of the County Kilkenny, evicted the tenants on an estate which he had taken on lease. For this act he was pursued by the Whiteboys for three years, during which time his cattle were constantly houghed, and his life made miserable. At length, he was shot dead in his own yard in the open day, and in presence of his household and servants.

The following is a list, taken from the report of the chief constable of the district, of outrages committed in one county[2] during one month of the year 1834:—

1*st March.*—An armed party entered the house of John Low, of Macken, within two miles of the post-town of Ferbane, swore him if he had fire-arms in the house and searched it, but got none. On their departure they fired a shot.

A party of six armed men entered the house of James

[1] *Kilkenny Moderator*, March 28, 1832.

[2] The King's County.

Connor, within one mile and a half of Cloghan town, and ordered him to give up the arms he had in his possession. They searched the house, but got none.

The same party went to the house of Matthew Killan, of same place, and ordered him to give up land in his possession.

7*th March.*—The house of P. Donahoe, of Baleitha, within one mile of Banagher, was attacked by a party of men, who beat him and stabbed his wife with a bayonet, broke all his delf, and swore him to give up his land.

Same night the house of Thomas Donahoe, of Clairmount, was attacked by a party of men, who stabbed Donahoe with a bayonet, beat his wife, broke all his windows and delf, and swore him to give up his land.

9*th March.*—An armed party went to the house of Mr. Baker, of Bellmount, about one o'clock, while the family were at divine service. They knocked at the hall-door, and being refused admittance and resisted by the steward, who fired on them, they fired through one of the windows, broke seven or eight panes of glass, and lodged several slugs in the ceiling of the room.

An armed party went to the house of Michael Merrigan, near Shannon Bridge, put him on his knees, and swore him to leave his house in seven days.

10*th March.*—On this night an armed party went through the neighbourhood of Bellmount, firing several shots. They went to Mr. Baker's gate-house and inquired for the steward, apparently for the purpose of shooting him, but they did not find him.

12*th March.*—The houses of Thomas and Hugh Donelan, of Park, near Banagher, were attacked by a party of men, who swore them to give up that land and robbed Hugh of 7*l.* in cash.

Three men armed with pistols went to the house of Matthew Hunt, of Cloney, near Banagher. They swore him to give up his land in a week's time and to give up his house to a man named Galvin.

17*th March.*—The house of William Doyly, of Toudmore, within two miles of Banagher, was entered by a large party for the purpose of beating Doyly.

The house of S. Toaker, of Gurtagown, was maliciously set on fire.

20*th March.*—An armed party of six men came to the house of Michael Butler, of Cloonony, within one mile and a half of Cloghan, and swore him to give up his house and land.

A threatening notice was posted outside the town of Cloghan,

warning the labourers not to work for any person for less than 1*s.* a day.

23*rd March.*—A house, the property of John Carnevan, of Gloster, near Banagher, was maliciously set on fire.

25*th March.*—One man broke into the house of John Rourke, of Cloughail, and warned him not to sow any more for J. Devery.

The same night a party of men went to the house of John Kilcoe, same place, and warned him to the like effect.

30*th March.*—At six o'clock this morning the house of John Hinchy, who resides at Newtown, about three miles from Banagher, was entered by two armed men, who desired him to go to the priest and settle about land he (Hinchy) had in dispute with his brother. Two more remained at his door as a watch.[3]

Such were the events which marked the course of the struggle between landlord and tenant in Ireland during the first thirty-five years of the Union.

I have not traced those events in faint colours. I have not tried to disguise their atrocity; for I wish the whole truth to be known, and I do not want to suppress the serious fact, that, during thirty-five years of legislative union with Great Britain, as during two hundred and fifty years of previous occupation and government by England, the peasants of Ireland remained sunk in barbarism.

The practical question for consideration is, who were to blame for the occurrences of those thirty-five years? Were the peasants naturally so depraved that they could not be civilized, or were the systems imposed upon them so bad as to render their advance from barbarism to civilization impossible? Did they wantonly commit crime, or were they impelled to it by ill-treatment? Were their acts inspired by pure malice or the result of necessities which left them no alternative, save a submission which involved their annihilation, or a resistance which involved the destruction of their oppressors by savage warfare?

[3] Papers relating to the State of Ireland, 1834, pp. 28, 29; also Lewis, p. 231.

I shall endeavour to answer these questions not by expressing my own opinion on the subject, but by stating the views of personages whose statements cannot be impugned, and the weight of whose authority will not be disputed.

In 1814, an eminent Irish judge named Fletcher delivered a very remarkable charge to the grand jury of the County Wexford. Fletcher was a man who, unlike some of his colleagues on the judicial bench, felt disposed rather to prevent crime than to punish criminals; and he did not think that the terms "prevention" and "punishment" were always synonymous. The great criminals in Ireland were, as he knew the members of the agrarian societies, and he was convinced that agrarian crime could be put down, not by the hanging of Whiteboys, but by the reform of landlordism. He communicated this plain truth to the gentlemen of Wexford in the following straightforward manner:—

. . . . . .

In my circuits through other parts of the kingdom I have seen the lower orders of people disturbed by many causes not peculiar to any particular counties, operating with more effect in some, but to a greater or less extent in all. I have seen them operating with extended effect in the north-west circuit, in the counties of Mayo, Donegal, Derry, Roscommon, &c. These effects have made a deep impression on my mind. My observations certainly have been those of an individual, but of an individual seeing the same facts coming before him judicially time after time, and I do now publicly state that never during the entire period of my judicial experience (comprising sixteen circuits) have I discovered or observed any serious purpose or settled scheme of assailing his Majesty's Government, or any conspiracy connected with internal rebels or foreign foes. But various deep-rooted and neglected causes, producing similar results throughout this country, have conspired to create the evils which really and truly do exist.

He then proceeds to state the "deep-rooted and neglected causes:"—

Gentlemen [he says], the moderate pittance which the high rents leave to the poor peasantry the large county assessments

nearly take from them. Roads are frequently planned and made, not for the general advantage of the country, but to suit the particular views of a neighbouring landowner, at the public expense. Superadded to these mischiefs are the permanent and occasional absentee landlords residing in another country, not known to their tenantry but by their agents, who extract the uttermost penny of the value of the lands. If a lease happens to fall in they set the farm by public auction to the highest bidder. No gratitude for past services, no preference of the fair offer, no predilection for the ancient tenantry (be they ever so deserving); but if the highest price be not acceded to, the depopulation of an entire tract of country ensues.

What, then [he continues], is the wretched peasant to do? Chased from the spot where he had first drawn his breath, where he had first seen the light of heaven, incapable of procuring any other means of existence, vexed with those exactions which I have enumerated, and harassed by tithes, can we be surprised that a peasant of unenlightened mind, of uneducated habits, should rush upon the perpetration of crimes followed by the punishment of the rope and the gibbet. Nothing (as the peasantry imagine) remains for them, thus harassed and thus destitute, but with a strong hand to deter the stranger from intruding upon their farms, and to extort from the weakness and the terrors of their landlords (from whose gratitude or good feelings they have failed to win it) a kind of preference for their ancient tenantry. . . . But, gentlemen, is there no method of allaying those discontents of the people and preventing them flying in the face of the law? Is there no remedy but Act of Parliament after Act of Parliament in quick succession, framed for coercing and punishing? Is there no corrective but the rope and the gibbet? Yes, gentlemen, the removal of those causes of disturbance which I have mentioned to you will operate as the remedy. I should imagine that the permanent absentees ought to see the policy, (if no better motive can influence them) of appropriating liberally some part of those splendid revenues which they draw from this country, which pays no land-tax or poor's-rates, and of which not a shilling is expended in this country. Is it not high time for those permanent absentees to offer some assistance, originating from themselves and out of their own private purses, towards improving and ameliorating the condition of the lower orders of the peasantry upon their great domains, and rendering their lives more comfortable?

I know that the Earl Fitzwilliam in one county (Wicklow),

and the Marquess of Hertford in another (Antrim), act upon enlightened and liberal principles; for, although their leases, generally, are only leases for one life, and twenty-one years, the tenant in possession well knows that upon a reasonable advance (merely proportionate to the general rise of the times) he will get his farm without rack rent or extortion. But I say the permanent absentees ought to know that it is their interest to contribute everything in their power and within the sphere of their extensive interest, towards the improvement of the country, from whence they derive such ample revenue and solid benefits. Instead of doing so, how do many of them act? They often depute their managers upon the Grand Jury of the county. This manager gets jobs done without question or interruption; his roads, and his bridges, and his park walls, all are conceded.

For my part I am totally at a loss to conclude how these permanent absentees can reconcile it to their interests or feelings to remain silent spectators of such a state of things, and how they can forbear to raise their voices in behalf of their unhappy country, and attempt to open the eyes of our English neighbours, who, generally speaking, know about as much of the Irish as they do of the Hindoos."

Judge Fletcher next goes on to show that, instead of "opening," the landlords endeavoured to close, the eyes of "our English neighbours" to the condition of things in Ireland.

Does [he says] a visitor come to Ireland to compile a book of travels, what is his course? He is handed about from one county gentleman to another, all interested in concealing from him the true state of the country. He passes from squire to squire, each rivalling the other in entertaining their guest, all busy in pouring falsehoods into his ears touching the disturbed state of the country and the vicious habits of the people.

. . . . . .

Gentlemen, I will tell you what those absentees ought particularly to do. They ought to promote the establishment of houses of refuge, houses of industry, school-houses, and set the example upon their estates of building decent cottages, so that the Irish peasant may have at least the comforts of an English hog; for an English farmer would refuse to eat the flesh of a hog so lodged and fed as the Irish peasant is. Are the farms of an English landlord out of lease, or his cottages in a state of dilapidation? He rebuilds every one of them for his tenants, or he covenants to supply them with materials for the purpose.

But how are matters conducted in this country? Why, if there is a house likely to fall into ruins upon an expiring lease, the new rack-rent tenant must rebuild it himself; and can you wonder if your plantations are visited for the purpose, or if your young trees are turned into plough-handles, spade-handles, or roofs for their cabins? They are worse than Egyptian taskmasters, who call for bricks without furnishing a supply of straw.

Again, I say those occasional absentees ought to come home. They should reside upon their estates, and come forward with every possible improvement for the county.

. . . . . .

So much, gentlemen, for landlords, permanent and occasional absentees. You should begin the necessary reformation. You now enjoy comforts and tranquillity, after seasons of storms, fever, and disturbance. The comparative blessings of this contrast should make you anxious to keep your county tranquil.

If your farms fall out of lease, set them not up to be let by public auction. Encourage your tenantry to build comfortable dwellings for themselves. Give them a property in their farms and an interest in the peace of the county. These are the remedies for the discontents of the people; they will be found much better than the cord and the gibbet.[4]

So much for Judge Fletcher.

I now turn to the testimony of one who was an equally shrewd observer, equally competent to speak upon the subject of Irish peasants and Irish crime. Lady Morgan (then Miss Owenson) was in Ireland in 1807, and during many other years of disturbance, and it is thus she describes the men who made night hideous by their fearful deeds.

A peasantry, poor, laborious, vehement, and enterprising, capable of good or ill in the extremes of both, left to the devious impulse of either, but often impelled by the hardest necessities to the latter, than allured to the former by precept or reward; punished with rigorous severity when acting wrong, but neglected, unnoticed, and unrecompensed when acting right, forming the last link in the chain of human society, and treated with contempt because unable to resist oppression. It was with one of these beings, who, in the strictest sense, daily performed "the penalty of Adam," and

[4] "Annual Register," 1814, Chr. 513—533.

nightly (perhaps) assumed the daring character of insurgency, that I had some days back the following conversation:—

"Are you laying in your winter's turf fuel?"

"No, young lady, I am cutting this turf for his honour."

"What is your hire by the day?"

"Sixpence one half, and threepence the other half of the year."

"Have you a family?"

"I have a wife and six children."

"Then of course you must have some ground for their maintenance?"

"Oh, yes; two acres at 5*l.* an acre; but what with the tithe-proctor, the priest's dues and the weaver, that day goes by well enough when we can afford a drop of milk to moisten the potatoes for the young ones."

He paused for a moment, cast his eyes to heaven, shook his head expressively, and then abruptly applied himself to his labour with an effort of constrained exertion that seemed to derive its energy from feelings that dewed his honest cheek with tears, flowing from the sad heart of the father and the husband.[5] I have been [she added] assured by persons of undoubted veracity that it is usual to let the least fertile parts of the mountains to the peasantry, from whom (after they have by the greatest labour improved the soil) it is re-let at a higher rent to some more wealthy tenant; meantime the original cultivator takes another barren tract, and continues to use the same exertions to the same effect.[6]

Here, in a single sentence, we have stated the great mischief and injustice of the Irish land system—the practice of condemning the tenant to eternal toil without ever giving him a chance of reaping the rewards of his industry.

Views of the Irish peasantry equally favourable were entertained by the distinguished English tourist, Mr. Wakefield. Having visited the disturbed counties of Limerick and Kerry in 1808, he relates his experiences thus:—

Following the banks of the Shannon, the country to the north of Limerick has very few resident proprietors, but is not remarkably populous. The poorer classes, particularly in

[5] "Patriotic Sketches," vol. i. pp. 102—106.

[6] Ibid. vol. ii. pp. 109, 110, n.

the neighbourhood of Bruff, where I passed November, 1808, are an active race, who, half-naked, live in miserable mud cabins, and are, no doubt, hardy. It is impossible to find any country where the people are more confined to potatoes for food than the inhabitants of this district. . . . On leaving Tarbert [County Kerry] I lost every trace of resident gentry, and travelled to Kerry Head, passing through a country the inhabitants of which, I was told, were called "Whiteboys." I don't know what title they gave themselves, nor is it of much importance, but I spent two nights among them and experienced as sincere hospitality, and found as much personal safety under their roofs, as ever I did in the most civilized parts of England. Their cabins are built of stone and hard cement, and the doors are of wicker-work. In every respect they had a wretched appearance. Turf was so scarce that they were glad to use anything for fuel; and when they lighted a fire, they endeavoured to increase the warmth by confining the smoke within the walls of their huts. From Tarbert to Listowl, the country, as well as the inhabitants, present a wretched and gloomy appearance. . . . There are no resident gentry, but Whiteboys in abundance; yet many of these poor [peasants] are sufficiently intelligent to feel and describe the situation of the country in a manner which excited my astonishment. A very considerable estate, where this wretchedness predominates, belongs to Trinity College, Dublin.

I was advised not to enter into so disturbed a district, but as I was conscious that no act of mine deserved their resentment, I entertained no fear. I neither carried pistols, nor was dressed in uniform; I conversed freely with every one I met; kept company with many of the poorer orders on the road; and by the time I reached Kerry Head had many attendants to show me the Atlantic. I found them a sensible and inquisitive people, superstitious, querulous, and of an idle disposition. The principal objects of their complaints were tithe-proctors, middlemen, and bad landlords. They seemed to have a very imperfect idea of the Government; but they said nothing against it. They only observed, speaking of their condition, that they had no "master" or protector; an expression by which they meant that there were no resident landowners among them to shield them from oppression.

Mr. Wakefield then describes a scene which he witnessed at the Carlow races, and which fairly illustrates some of the acts of "oppression" that the unfortunate peasantry were forced to bear :—

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The poor are much neglected by the richer classes in this district [Carlow], and I have been informed of many and have seen some glaring instances of the tyranny and oppression to which they are subjected. I shall mention one. In the month of June, 1809, at the races at Carlow, I saw a poor man's cheek laid open by a stroke of a whip. He was standing in the midst of a crowd near the winning-post; the inhuman wretch who inflicted the wound was a gentleman of some rank in the county, but his name, for many reasons, I shall not mention. The unhappy sufferer was standing in his way, and, without requesting him to move, he struck him with less ceremony than an English squire would a dog. But what astonished me even more than the deed, and what shows the difference between English and Irish feeling, was that not a murmur was heard, nor a hand raised in disapprobation, but the surrounding spectators dispersed, running different ways like slaves terrified at the rod of their despot. I observed to a gentleman with whom I was in company, how different a feeling would have actuated the populace in England; there no man who lifts his hand unjustly is sheltered by his rank. The bystanders are always ready to espouse the cause of the injured, and would themselves inflict summary punishment even on a nobleman who should violate the laws of the country by such an aggression. "What," replied my friend, "would a man dare there to strike his superior?" "Yes, and on his own estate, and in the midst of his tenantry." "Well, but twenty magistrates of the county of Carlow are present; will they not interpose and redress this man?" "Oh, no; they will get into no quarrel with ——." The conversation dropped, and I never felt so proud of being an Englishman—the subject of a country where no man's poverty precludes him from finding an advocate, where every instance of cruelty excites the noblest feelings of the heart, and where the law affords the same protection to the poor as the rich.[7]

Another Englishman, John Gough, who visited Ireland in 1813-14, witnessed similar scenes in the County Tipperary, where, he says, "if a man on horseback, riding in dirty weather, should meet a poor man on foot who did not immediately get out of his way to let him pass easily on, he would give him a pretty good chastisement with his horse-whip, and the peasant

[7] Wakefield, "An Account of Ireland," vol. ii. pp. 755, 773, 774.

would not offer to resent, but, with hat in hand, would ask his pardon." [8]

The Rev. James Hall, a contemporary and also a fellow-countryman of Wakefield, who had likewise seen much of the Irish peasantry, says, "Were the landlords to pay more attention to their tenants, there would be no necessity for so many thousands of men in arms in Ireland to keep down the rebellious spirit of the inhabitants." "And," he added, "the labouring poor in too many parts of Ireland are treated as a kind of inferior animal." [9]

[8] "A Tour in Ireland in 1813 and 1814," by an Englishman," pp. 250, 251.

[9] Hall, "Tour through Ireland," vol. i. pp. 31, 287. Like Gough and Wakefield, Hall also witnessed an act of landlord brutality. He saw a labourer "knocked down, without a word of explanation, in a park in Longford, by the son of a landed proprietor," because the man happened to be walking "in an old beaten path." The man submitted meekly, a circumstance which drew from Hall the reflection, "In nine-tenths of Britain, instead of submitting to such treatment, a person in similar circumstances would have lodged a complaint against the squire."—Ibid. pp. 287, 288.

To illustrate the difference between the treatment to which the peasants of Munster were subjected and that experienced by their more fortunate fellow-countrymen in the north, Gough relates the following anecdote:—"How very different is the situation of the common people in Ulster province, though living under the same Government and subject to the very same laws. There the very poorest man, looking upon himself as a man, would not tamely submit to an unmerited insult from any one. An instance of the difference I was some years ago a witness to. The son of an eminent grazier in Munster with whom I was very intimately acquainted, was put an apprentice to a linen-draper in the north. In company with some others riding through the fair, where he happened to find the people very much crowded, and of course his progress impeded, he forgot himself, imagining that he was at a fair in his own county, and wishing to get forward, he lifted up his whip in a threatening manner to clear the rabble out of his way, but he did not actually strike any one. Upon this a number of them, not less than twenty, turned on him; one seized his bridle, others lifted their sticks, when a gentleman of the company, well known to many of them, rode forward, and said that the young man had dined with him, and had taken too much claret; at which this man called out immediately to the rest, 'Let the poor boy pass on quietly; he's drunk.'" "As this young man," adds Gough, "soon after returned to his own county, and is now verging

Five years after the visits of Gough and Hall, the causes of the country's "progress in barbarism" were described by a Government official thus:—

This demoralization of the lower class has, however, arisen from the neglect so long shown to the peasantry of Ireland; who, disregarded and despised, have been left to their own rude ways; so long as they tilled their ground, and paid their rent and tithes, no one regarded the culture of their minds or the improvement of their morals: none examined whether their cabins were commodious, clean, and comfortable residences, fit for a civilized being; or were shared between the half-naked squalid peasantry, and their hard-worked, half-starved horse, cow and pig, nor did any one take an interest whether their ground (usually ill-manured, badly cropped and exhausted) could not be more judiciously cultivated by the modern improvements in agriculture; no one recommended and enforced habits of order, cleanliness, obedience, and industry; the brawny, active, quick-feeling son of Erin lived on his mountains, or in his unreclaimed bogs or moors, almost as uncouth as the meagre, stinted cattle that grazed on them—ignorant of the language, laws, customs, and regulations of civilized society. Such, from time immemorial, was the situation of thousands of our countrymen at a period when England had made considerable advances towards the present state of refinement; such, indeed, was the situation half a century ago; and, at this very day, such *is* the situation of numbers of peasantry in the wilds of Kerry, Cork, and Connaught.[1]

But more emphatic than any other writer of the time in his condemnation of the ill-treatment to which the peasants were subjected, and of the misconduct and unwisdom of the landlords, was Mr. Wiggins, the agent of the Marquess of Headfort. Writing in 1822, he says:—"Goaded by distresses of the laws, *irritated also by rents too high even for war prices, by the fallen prices of produce without corresponding reduction of rents and tithes, and by severities which have increased with the difficulties of their collection, the*

towards forty, I have entertained some hopes that in Munster he may have frequently recollected the good lesson he was taught in the north."—"A Tour in Ireland in 1813 and 1814, by an Englishman," p. 253.

[1] "The Absentee," by an Officer of Customs in Ireland, pp. 9, 10.

peasantry of Munster yielded to the influence of these and probable of other less apparent causes, and, in the winter of 1822, insurrection and outrage became so extended as to require a large army to check its progress."

Aware that, in the opinion of the landlords, coercion was the remedy for discontent and disturbance, Wiggins tells the Irish gentry, to whom his letter was addressed, that "it is not by the terrors of the bayonet or the law that a brave and hardy people like the Irish can, or ought to be permanently controlled;" and, he adds, "it is not only entirely in your power, but also greatly to your interests, nay, your bounden duty, as lords of the soil, to alleviate these miseries, and to remove this poverty and, by so doing, to convert your tenantry into the certain instruments of your own wealth, and of their peace and comfort."[2]

In 1829, Bicheno made a tour through Ireland, and in 1830 he published a remarkably able book on the Irish question. In this work he states that "the most frightful part of the Irish system is the relation that subsists between landlord and tenant." The landlords he describes as "needy, exacting, unremitting, harsh, and without sympathy for their tenants;"[3] while of the tenants he says they "have been alienated by exactions, and made vindictive by oppression."[4]

The landlord party warned him not to extend his visit to the disturbed parts of the country, but he disregarded the warning, and with a result which I shall state in his own words:[5]—

> If we had credited the representations made to us by Orange friends very soon after our landing, we should have been dissuaded from attempting to penetrate into some of the remote corners of the West, but as their apprehensions on our behalf arose out of prejudices, working, too, upon them at a moment

[2] Wiggins, "Hints to Irish Landlords," pp 6—11
[3] Bicheno, "Ireland and its Economy," p. 93.
[4] Ibid. p. 123.
[5] Ibid. p. 130.

when they considered their loyalty had been sacrificed to mistaken liberality, we travelled on in spite of their forebodings, and had never the slightest reason to regret our determination, our only care being not to be mistaken for Irish gentlemen. Not a finger was ever lifted against us, but the most cheerful assistance was afforded us in every difficulty; and although we travelled in the most disturbed districts, and among people who were sheltering murderers, and some of them murderers themselves, I am satisfied they might have been trusted with untold gold; and it is certain that they are ready to share their scanty meal with the needy, and to relieve one another by acts of kindness, to which the more civilized poor of England are strangers.[6]

I shall add to the evidence of this cloud of witnesses the following extract from a letter written in 1834 by Mr. Poulet Scrope to Lord Melbourne. Mr. Scrope was, as is well known, a moderate politician, who represented the borough of Stroud in the Imperial Parliament for many years. He paid a good deal of attention to Irish affairs, and was very familiar with the doings of Whiteboys and landlords; this is how he speaks of both :—

Though God gave the land of Ireland to the people of Ireland—to the many—the law has given it unconditionally to the few. Even in the best of times, if the landlord refuses to any peasant the holding of a plot of land, if other starving wretches outbid his offers for the patch of soil whose possession is as necessary to his existence as the air he breathes—if sickness or misfortune prevent his punctual payment of the enormous rent he has promised, and he and his family are ejected (by the cheap and summary process which landlord-made law provides) from his cabin which sheltered him from his birth, and his fathers before him—what remain? He must die! The law, at least, says so. The law allows him no other alternative. He may contrive to prolong a precarious existence on the charity of his poor neighbours (as he asks it in vain from the rich), or he may take by force or stealth what is necessary to preserve life. But the law does not recognize these means of living; on the contrary, the law forbids them. The law says, if he cannot rent land or obtain work he shall starve. This is the real wrong—this is the giant

[6] Ibid. pp. 37, 38.

grievance—this is the most crying, the most urgent of the just complaints of the Irish people. And it is against this state of the law that they combine in their Whiteboy associations—associations that will never be put down until the law extends that protection to the lives of the poor which it now lavishes almost exclusively on the property of the rich. And who will say that the peasantry ought not in such a state of the law to combine for their mutual protection? Is there no point of oppression at which resistance to the law becomes a duty? We have the recent authority of the head of the law for the principle—a principle as old as it is true—that allegiance is only due where protection is afforded, and where the law refuses its protection it cannot claim allegiance. Does the law then protect the Irish peasant? Not from starvation. It does not protect him from being thrust out of his home and little holding into absolute destitution, to perish on the highways of famine, or to waste away in those abodes of filth, misery, and disease in the suburbs of the towns which Dr. Doyle so faithfully describes as the ordinary refuge and dying-place of the ejected cottier and his family. It does not prevent him from being visited by this fate at the command of an absentee landlord, who may desire to clear his property of some of the human incumbrances whom God has brought into being upon it. The law affords the Irish peasant no protection from so horrible a fate. Hundreds are at present exposed to it. Millions know that they are liable to it. Can the law justly require their allegiance? Can we expect them willingly to pay it? No! The peasantry of Ireland feel that the law places their lives at the mercy of the few, whom it invests with sovereign power over the land of their native country, with power to sweep them at will off its surface. They feel that the continuance of the system of clearing estates, which has been for so many years in progress, is a question of life and death to them. And therefore do they combine against it. Therefore it is—however little minds may wonder at the fact—that they show no more repugnance to the shedding of blood in open day, in the presence of assenting thousands, in the execution of the sentences of self-organized tribunals, looked upon by them as the sole safeguard of their lives, than does a soldier hired to fight for his country's safety in the field of battle. It is to their own Whiteboy law that their allegiance is considered due. They look alone to the secret tribunals, to their own establishment, for the protection which the law of the Imperial Parliament denies them. And they obtain it! Let those who know Ireland deny the fact, if they can. The peasantry of Ireland do more or less

obtain from the Whiteboy associations that essential protection to their existence which the established law of the country refuses to afford. The Whiteboy system is the practical and efficient check upon the ejectment system. It cannot be denied that but for the salutary terror inspired by the Whiteboys the clearance of estates (which in the over-peopled districts of Ireland is considered, justly or not, to be the only mode of improving or even saving them) would proceed with a rapidity and to an extent that must occasion the most horrible sufferings to hundreds of thousands of the ejected tenantry. Some landlords have bowels of compassion, and might hesitate so to employ the fearful power with which the law has unconditionally armed them for the improvement of their property. Many, the majority perhaps, would not be stayed by such scruples. It is easy to satisfy the minds of an interested party that what the law allows to be done cannot be wrong—that what appears necessary for the preservation of property must be right. May they not do as they will with their own? Yes! But for the salutary dread of the Whiteboy associations, ejectments would desolate Ireland and decimate her population, casting forth thousands of families like noxious weeds rooted out of the soil on which they have hitherto grown, perhaps, too luxuriantly, and flung away to perish in the roadside ditches. Yes; the Whiteboy system is the only check on the ejectment system; and weighing one against the other, horror against horror, and crime against crime, it is perhaps the lesser evil of the two—a necessary evil in the present state of the law of Ireland—a mitigation of the otherwise intolerable slavery, which the law of the land enforces, of the Irish peasant to the Irish landlord. The Whiteboy system will never be put down until the Legislature establish a law for the end it aims at—that, namely, of protecting the lives of the Irish peasantry, and securing to them the means of living by their industry.[7]

[7] Poulet Scrope, Letter to Lord Melbourne in 1834, reprinted, and addressed to Sir R. Peel in 1844.

On the subject of agrarian outrages in Ireland, Sir George Cornewall Lewis says: "That the difference between England and Ireland, in regard to the carelessness of human life, arises not so much from the nature of the people as from the difference of the circumstances in which they are placed, appears from the fact that, when in England the opinion of a large body has been in favour of atrocious crime, atrocious crimes have been committed. Of this the outrages perpetrated by the trades' unions afford a sufficient proof. The murder of Mr. Ashton, in Cheshire, by two men who were hired by the trades' union, and received ten pounds for killing him, is equal in atrocity to

So much with reference to the opinions and views of indifferent and impartial authorities on the subject of Irish agrarianism during the first thirty-five years of the Union. But, it may be asked, what were the opinions and views of the landlords? Did they acknowledge that they had erred? Did they consider the system of land tenure in Ireland as one calculated to produce poverty and provoke crime? Did they regard as "frightful" their relations with their tenantry?—as mischievous and unjust their mode of letting the land? In answer to these questions it must be said that the landlords took an optimistic view of their own position, and of the condition of their dependants. The chronic poverty of the peasantry made no impression on them; at least, they failed to see how they were in any way to blame for it. Absenteeism they did not regard as a fault, and with respect to canting their lands to the highest bidder, and disregarding the claims of the previous occupiers, by whose labour and outlay the value of these lands had been enhanced, they did not see anything objectionable or unfair in the practice. The land was their own; and they were entitled to do what they liked with it—such was their view. Duties and responsibilities in connection with those who cultivated the land they had none. The relation of landlord and tenant was to them a mere monetary transaction.[8] To get as much money out of the land

any Irish murder; and the rick-burning in the south and east of England show how far a system of deliberate crime will spread when there is a real grievance for it."—"Irish Disturbances," pp. 301, 302.

[8] "Almost every proprietor in Ireland is a trader in his commodity. . . . As profit was the sole object, the proprietors had no inducement to make sacrifices, and to accept moderate rents to secure the good opinion of their tenants."—Bicheno, "Ireland and its Economy," pp. 123, 124. Mr. Bicheno also made the following statement before a Committee of the House of Commons in 1830:—"I would recommend all the landlords of Ireland to go to school to some of the best landlords in England, and I think they would discover such a wide difference in the mode of treating their respective tenantry, and in the liberality and kindness that subsists between the respective parties, that the Irish proprietary would soon become convinced that

as they could without putting any into it;[9] to spend that money wherever and however they pleased; and to leave the tenants unhelped, uneducated, and unadvised—this was the Irish proprietor's notion of the functions and uses of a landed gentry.[1]

That the peasants had the least cause for complaint they did not admit; that there was the slightest necessity for an inquiry into the relation of landlord and tenant they would not allow. In their estimation the English Government in Ireland had only one grand duty to perform, viz. to simplify the law of eviction so as to enable them to eject their tenants at the least possible inconvenience and expense, and to strengthen the law of repression, so that every attempt to obtain redress of grievances might be promptly put down.

theirs is the wrong system; the English system, although it has somewhat, I fear, given way in modern times, still is substantially a good one, and a right and just one between the two parties. . . . The landlords of England have felt their weight in society to be increased by keeping up a right relation between their tenantry and themselves; they, in fact, derive their consequence and importance in the State by a right understanding between themselves and their tenantry. The money interest they have is not all; they have, besides, their dignity to uphold, their political influence, their rank in the country, and various subordinate objects which come in as a portion of the advantages to be derived from their position in society; money is not the only object; in Ireland, money is almost the only object."

"Is not political influence also an object in Ireland?"—"Without doubt; but it is not pursued in the same way as in England."—"Is not political influence in one country rather the influence of authority, and in the other of persuasion?"—"I think in England the peasantry are led; in Ireland they are driven; that is my distinction between the two."—Parliamentary Papers for 1830, vol. vii. p. 383.

[9] "In every country in Europe, excepting Ireland," says Bicheno, "the landlord finds something for the tenant besides the mere soil."—"Ireland and its Economy," p. 128.

[1] Wakefield, referring to the miserable and ignorant condition of the Irish peasantry in 1809, says: "Is not this a severe satire on the conduct of the landed proprietors of Ireland, who either do not treat the poorer classes with that kindness and affection which would humanize their character, or abandon them to neglect by consigning them into the hands of agents and middlemen, who are not equally interested in their civilization and welfare."—"An Account of Ireland," &c., vol. i. p. 295.

The Sheriff and the hangman were the two great representatives of British law in the island whom the landlords most affected and patronized.

"The remedies for the recovery of rent [in Ireland]," said Mr. (afterwards Chief Justice) Blackburn, before the Committee of the House of Commons on Irish Disturbances in 1825, "are the most powerful that the law can create;"[2] and a brief reference to the statutes passed to aid the landlords in this matter will show how just was the remark. By the 56 Geo. III. cap. 88, amended by the 58 Geo. III. cap. 39, and the 1 Geo. IV. cap. 87, the Irish landlord was enabled to evict an obnoxious tenant in two months at a cost of 2*l.*, whereas a similar process by an English landlord would take at least twelve months, and cost 18*l.* By the 56 Geo. III. cap. 88, the Irish landlord was enabled to distrain the young crops of the tenant, to keep them until they were ripe, and to save and sell them when ripe, charging upon the tenant the accumulation of expense.[3] This power O'Connell declared to be "the fruitful source of murder and outrage."[4] Mr. Nimmo, the eminent engineer, who was engaged for several years on public works in Ireland, described before a Committee of the House of Lords in 1825, the uses to which the landlords applied the ordinary law of distress, thus:—

> The Irish tenant . . . being in debt, it is in the power of the landlord to drive his cattle, under the form of distress, to the pound by way of making him pay his rent; but this form of distress is applied not only to the raising of rent, but to the doing anything else the landlord wants. For example, if I want a parcel of people to work for me at eightpence a day, and they insist on being paid tenpence, I complain to the landlord that the people are demanding exorbitant wages; that we cannot go on; we will not pay them these wages; the landlord, whose interest it is to have the work go on in order that money may be paid to his tenantry for the purpose of paying

[2] Parliamentary Papers for 1825, vol. vii. p. 36.
[3] See Bicheno, p. 164.
[4] O'Connell, "Collected Speeches," vol. ii. pp. 201, 202.

his rent, sends instant notice that unless they go to the work on the road at eightpence a day all their cattle will be driven to the pound. Now, I conceive, the object being not to pay rent, but to do the road, this is an illegal use of their power; and supposing the landlord wanted them not to work on the road for me, they would have a like notice for that. Notice has been sent to a man that if he went to work on the road his cattle should be driven next morning to the pound; consequently he may be made to do anything the landlord pleases.[5]

But, successful as were the Irish landlords in obtaining measures from Parliament to enable them to evict their tenants, they were equally triumphant in obtaining measures of coercion and repression, as the following list of Coercion Acts in force between 1800 and 1835 will show:—

1800	Insurrection Act, Habeas Corpus Suspension Act, Martial Law.
1801	
1802	
1803	Insurrection Act, Habeas Corpus Suspension Act.
1804	
1805	
1806	
1807	Insurrection Act, Martial Law.
1808	
1809	
1810	
1811	
1812	
1813	
1814	Insurrection Act, Martial Law.
1815	
1816	
1817	
1818	
1819	
1820	
1821	
1822	Insurrection Act.
1823	
1824	

[5] "Annual Register," 1825, p. 74.

1825, 1826, 1827, 1828, 1829	Act for Suppression of Catholic Association.
1830	
1831, 1832	Stanley's Arms Act.
1833, 1834	Grey's Coercion Act.
1834, 1835	Grey's Coercion (Continuance) Act.

To the above statements it must be added that while the Statute-book was thus filled with measures passed at the instigation of the landlords to enable them to ill-use and oppress their tenantry, not one single act of justice or wisdom calculated to promote the welfare of the country or to civilize the people stands to their account.

Politically omnipotent, they thought only of their own comforts. Dependent for their incomes on the labour of others, they took no heed of the circumstances of hardship and injustice under which those others worked. Irishmen by birth, they took no pride in their country's progress, and felt no sympathy with the necessities and struggles of the masses of the people.

That, in such circumstances, Whiteboyism should have flourished, and landlords should have been unpopular, is not, I think, greatly to be wondered at, however much it is to be deplored.

"It is bad government," says Lady Morgan, "that puts a pike into the peasant's hands and hardens his heart against all the charities of life;"[6] and the landlords were the Government of Ireland from 1691 to 1835.

[6] "Absenteeism," preface, p. xv.

CHAPTER V.

1835—1849.

BETWEEN 1835 and 1849 the Land War in Ireland was carried on with unabated fierceness. Everywhere the "tyrant's writ," as the *Nation* expressed it, was met by the "peasant's gun."[1] Outrage and murder followed eviction, and landlords and tenants confronted each other as uncompromising and deadly enemies. Ribbonism raised its head, and the energies of the Government were paralyzed by its powerful action. In vain did the landlords try to do what they liked with their own. To little purpose did they confiscate the tenants' improvements, raise the rents, and "clear" their properties. Despite all their exertions, backed by the resources of the State—despite the gallows, the gaol, and the emigrant-ship, the peasantry clung firmly to the soil, and, under the sheltering protection of the Ribbon Society, defied the law and braved the Executive.

With reference to the history of Ribbonism, it must be explained, that, this formidable organization, springing out of the Society of the *Defenders*, formed by the Catholics of Ulster towards the end of the eighteenth century to defend themselves from the attacks of their Protestant fellow-countrymen, who, banded together under the name of *Peep o' Day Boys*, pillaged and plundered their homesteads, extended

[1] *Nation*, May 24th, 1845.

slowly throughout the country, and only by degrees assumed the character of an agrarian combination.

For years, the *Defenders* adhered to the original lines on which their organization had been laid down, and fought only against Orangeism, which was the final development of the Peep o' Day Boys' movement.[2] But, spreading southwards and westwards, *Defenderism* ultimately changed its name and designs, becoming the "Ribbon Society," and aiming rather at the regulation of the law of landlord and tenant in the interest of the latter, than the settlement of the question of Papist and Protestant in the interest of the former.

Emerging from the north, Ribbonism first appeared in the County Sligo about the year 1820, but as it still retained its "religious" aspect the Connaught peasants, whose quarrel was not with Orangeism but with landlordism, held aloof from it.

Between 1820 and 1835, we hear little of Ribbonism, though a great deal of agrarianism in other shapes and forms. But, between 1835 and 1849, the Ribbon Society became completely ascendent, superseding all other agrarian combinations, and definitely assuming its modern character of a tenants' protective league.[3] Ribbon lodges were scattered throughout the provinces of Munster, Leinster, and Connaught, and established even in the cities of Belfast, Liverpool, and Manchester. The peasants flocked into the confederacy, and the landlords soon found themselves confronted by an organization whose decrees were stronger than the law of the land.

[2] "The Orange lodge is but the twin of the Ribbon conspiracy; and Ascendency is the correlative of Rebellion."—*Times*, October 10, 1849.

[3] In one respect Ribbonism, even down to our own day, has retained its "religious" character. Every Ribbonman must still be a Catholic; but unless brought into direct contact with the Orange lodges (as in parts of England and Canada), the society is otherwise, to all intents and purposes, non-sectarian in its action. It punishes irrespective of creed, and regards indifferently the question of religion (unless where it suspects proselytism) in dealing with the subject of the land.

The business of Ribbonism was managed with considerable skill and address, and its punishments were inflicted with merciless severity. A central committee generally sat in some safe place removed from the Society's sphere of action,[4] and there "tried" offenders against Ribbon law and passed "judgment" on their conduct. The landlord who evicted, or the tenant who took land "over the head" of another, was never spared. The one was generally shot, when he could be got at, while the other had his cattle houghed, his house burned, or, in many instances, he was himself brutally maimed or killed outright.

The character of Ribbonism, as well as the nature of the struggle between landlord and tenant in Ireland during the years 1835-49, can best be understood by describing some of the leading incidents by which this sanguinary and barbarous war was distinguished.

In 1835, Lord Lorton, a landed proprietor of considerable means and influence, evicted nine Catholic tenants on his estate near the village of Ballinamuck, in the County Longford, and replaced them by nine Protestant occupiers. His lordship declared, subsequently, before a Committee of the House of Lords, that, in taking this step, he was not in the least actuated by sectarian feelings; he desired only to secure the best tenants procurable for the land. But the peasants of Ballinamuck took a different view of the matter, and believed firmly—and not unnaturally—that an effort was about to be made to "Protestantize" the estate. This effort they resolved to resist, and did resist in a terrible manner. The names of the new tenants were Brock, Diamond (1), Alexander Moorehead, Cole, Cathcart, Diamond (2), Rollins, Hugh Moorehead, and William Morrison; their fate was pitiable and appalling. Brock was killed at six o'clock in the evening in the month of June, close to his own house and almost in presence of the inhabitants of

[4] E.g. Liverpool, Belfast, Manchester, or Glasgow.

Ballinamuck. Diamond (1) was attacked and terribly beaten; one of his eyes was knocked out, and he was wholly disabled for life. Alexander Moorehead's cattle were destroyed, his whole stock, consisting of cows and heifers, being driven by night from the farm into the adjoining county of Leitrim and there killed, skinned, and flung into bog-holes. Cole was stabbed and beaten almost to death. Cathcart was fired at several times and finally shot dead, within a stone's throw of his own house. Diamond's (2) cattle were maimed and destroyed; and Rollins' were killed, skinned, and thrown into bog-holes. Hugh Moorehead was murdered, and so was William Morrison. Thus were all the Protestant occupiers placed upon the land by Lord Lorton, to the exclusion of the Catholic tenants, injured or destroyed. But, his lordship resolved to be amply revenged for the maltreatment of the tenants of his choice, and he determined, by one sweeping act of retaliation, to chastise the whole population of Ballinamuck for the acts of the Ribbon confederacy. "In consequence," said Lord Lorton, "of my finding so bad a spirit among them [the tenants], I came to the determination to level the town."[5] This determination was carried out. The village was levelled to the ground, and the

[5] Lord Lorton stated before the Committee of the House of Lords on the State of Ireland in 1839, that he gave compensation to the evicted villagers of Ballinamuck. He was asked to state the amount which had been paid to each person, but he said he could not "precisely." "Does your lordship think it was 3*l.* to each person?" the Committee asked. Lord Lorton replied, "I think not; but the amount I gave altogether was about 300*l.*"—Parliamentary Papers for 1839, vol. xii. p. 1052. Mr. Barnes, a stipendiary magistrate in the County Longford, was interrogated by the Committee on the same point. He said, "I do believe there is very great misconception at this present moment in the County Longford and elsewhere in regard to compensation offered and received. . . . In two instances the sum of 3*l.* 10*s.* was given; all the rest varied from 1*l.* to 2*l.* Some refused to take these latter sums." "Do you know what became of those people?" Mr. Barnes was further asked. He answered, "I suppose they are scattered over the country."—Ibid. p. 928.

wretched inhabitants cast adrift to swell the tide of misery and discontent already submerging the land.[6]

Other deeds of outrage and murder occurred to intensify the bitterness of the conflict, and to widen the chasm which separated the owners and the cultivators of the soil.

Mr. Lundy Foot, a landed proprietor in the county Cork, was killed in broad daylight while walking in a field within five hundred yards of his own residence.

The house of a farmer named McNamara, living near Nenagh, in the County Tipperary, was broken into by an armed band of peasants, who dragged the unhappy occupant from his bed, placed him in a kneeling posture on the floor, and putting a book in his hand, and a pistol to his head, told him to swear that he would give up his land. On refusing to comply with this mandate, McNamara was struck to the ground and unmercifully beaten.

Throughout the years 1836 and 1837, agrarian disorders still continued to distract the land. In Waterford, there was an organized conspiracy against the payment of rent, while in Tipperary so terrible was the condition of things that the landlords were obliged "to convert their dwellings into garrisons."[7]

One morning in the latter year, while Mr. Pulves, a landowner residing near Nenagh, was waiting in his stable to have a horse saddled, a peasant entered and handed him a letter, saying at the same time, "Swear to the contents of that." Pulves, putting the letter unopened in his pocket, answered, "I won't swear to the contents of what I have not read." "Then read it," said the peasant. "I will at my leisure," replied the landlord, "and let you have the answer." The peasant then left the stable, and Pulves followed him into the yard. There he was suddenly confronted by another peasant, armed with a gun, who, coming close

[6] Select Committee [Lords] on the State of Ireland in 1839. Parliamentary Papers for 1839, vol. xii. q. 12,868.

[7] *Kilkenny Moderator*, February 25, 1837, and succeeding numbers.

up to him, said, "Unless you swear to the contents of that letter, I will shoot you dead." "You may shoot me," he answered, "but I shall not swear." The peasant, then, withdrawing a few paces, deliberately levelled the gun at Pulves, fired and shot him in the thigh. Pulves instantly fell to the ground wounded, but not fatally, and the Ribbon emissaries safely decamped.

To show how little religious, or political considerations influenced the designs of Ribbonism, it may be stated, that, in 1837, Mr. O'Keefe, a Catholic, an O'Connellite, and an agent to a Catholic landlord (Mr. Valentine Maher), was killed in the County Tipperary; while in the County Limerick, in the same year, a Catholic priest, Father Mulqueen, who had endeavoured to prevent a party of Ribbonmen from attacking a house in his neighbourhood, was unhesitatingly shot dead.[8]

In 1838 the murder of Mr. Cooper—an event which led to the famous controversy between Thomas Drummond and the Tipperary magistrates[9]—occurred. Mr. Wayland, a friend of Mr. Cooper and a landed proprietor in the County Tipperary, had evicted a tenant named Ryan, and was in consequence marked out for destruction by the Ribbon confederacy. The determination "to have his life," as one of the witnesses on the trial expressed it, was talked of in the most open manner throughout the neighbourhood for months before the attempt was made. The peasantry of the district were well aware, that, his death-sentence had been pronounced, and that an opportunity for putting it into execution was only being waited for, and watched. One day, six months after the eviction of Ryan, Mr. Wayland, in company with Mr. Cooper, was returning from Kilmore to the town of Tipperary, when three armed peasants met them on the road. Without

[8] Letter of Sir Matthew Barrington to Sir Robert Peel in 1844.
[9] See *post*, p. 127.

a word of parley the peasants fired on Mr. Wayland, hitting him in the hip, but killing Mr. Cooper, whom it was not designed to injure at all. By the energy of Thomas Drummond, the murderers were quickly arrested. One of them "turned informer," and the other two were hanged; and this result was achieved without the aid of a Coercion Act, for Drummond scorned to govern by means which implied weakness and incapacity.

The outrages to which I have referred, and others that I have not mentioned, were ascribed by the landlord-Orange party to the "weakness" of the Government of Lord Melbourne, and to the absence of any stringent measures of coercion. But the Government of Lord Melbourne fell in 1841, and Sir Robert Peel remained in office from 1841 to 1846, without any change in the career of Ribbonism being effected.[1]

In 1842, a man named Laffan, who had made himself obnoxious to the Ribbon confederacy, was killed in the open day in the County Tipperary, a few hours after a meeting of priests and laymen had been held near the scene of the outrage to condemn the system of "terrorism which prevailed in the country. Referring to this murder, the "Annual Register" wrote: "The truth is, that wherever this formidable conspiracy has taken root, the influence which the priests had heretofore exercised over their flocks altogether ceases; and there have been more instances than one in which the Roman Catholic priest has been taught by experience, that, his life depended on as frail a tenure, as though he had been the most grinding landlord, or tithe-gathering parson, that ever rendered himself obnoxious to the

[1] In fact, agrarianism was dealt with more effectually during the administration of Lord Melbourne than at any time since the commencement of the century. "Several persons," says the "Annual Register," writing of the Assizes in Tipperary, in 1839, "were found guilty of Whiteboy offences, and sentenced to transportation. There would seem to have been no difficulty in procuring testimony, and no reluctance in juries to convict."—"Annual Register," 1839, Chr. p. 10.

bloody code of Ribandism. In the same year, Mr. James Scully, a Catholic landlord, and the son of the author of the "History of the Penal Laws," was murdered, also in Tipperary. Mr. Scully had for some time been under ban, and had received many threatening letters. He went about armed, and never passed from his own estate without an escort of police. One evening in November he went duck-shooting with his brother at a pond close to his residence. After a while, the brother returned home, leaving James alone. Night soon began to close in, and, as James had not come back, the brother felt uneasy, and proceeded, with some attendants, to look for him. Having searched for some time in the direction of the pond, one of the attendants picked up a duck, which had apparently been quite recently killed, and, moving a little further on, he saw James lying dead within a few yards of where the bird had been found.

It would seem that in shooting the duck, Mr. Scully had himself been shot, having received six slug wounds.

In 1843, the "battle of Magheracloon" was fought. The circumstances of this catastrophe were as follows:

The tenants on the estate of Mr. Shirley, of Carrickmacross, in the Barony of Farney, had declined to pay their rents, in consequence of the refusal of the landlord to make certain reductions which had been demanded. Mr. Shirley proceeded to enforce his rights, but without success. Attempts to distrain the cattle of the tenantry, and to serve them personally with ejectment notices were made, but in vain. No sooner did the "driver" appear in sight than the cattle were swept away;[3] and it was more than the life of any process-server was worth to enter the hut of a peasant in Farney with a notice to quit. At length, the familiar process of carrying out the law of

[2] "Annual Register," 1842, Chr. p. 95.

[3] The peasants imitated the tactics adopted by the Tithe Resisters of Graigue, described in vol. i. p. 379 *et seq.*

ejectment by obtaining leave to "substitute service"[4] was resorted to; and, one day in June, while the people were at divine service, Mr. Shirley's bailiff, with a force of police, proceeded to placard the chapel of Magheracloon with notices of eviction.[5] It may well be supposed how the peasants met Mr. Shirley's representative and the police, at such a time, and such a place. Gathering in the churchyard, they resolutely declared that no notices to quit should be posted on the church. The bailiff endeavoured to explain that he had come only to carry out the law. He was not listened to. The stipendiary magistrate added the weight of his authority to the explanations of the bailiff, but he was treated with equally scant courtesy. Then, the bailiff, notices in hand, advanced to do his duty, when he was met with a volley of stones, and hurled back into the ranks of the police, The police next moved to the front, but they encountered as warm a reception as had been given to the bailiff. At length, the Riot Act was read, and the police were ordered to fire. The order was promptly obeyed, and eight of the peasants paid the penalty of their resistance to the law. One man was shot dead, and seven of his comrades were more or less severely wounded. But, uncowed by this result, they still fought on, pouring volley upon volley of stones into the police, who, finally, surrounded on all sides, and overwhelmed by the furious onslaught of their opponents, turned and fled, rushing to their cars, and retreating precipitately to Carrickmacross, leaving the peasants in triumphant possession of the field.

In the same year, 1843, a most daring outrage was committed in Tipperary. While Mr. Waller, a landed proprietor residing near Nenagh, was at dinner with his family, a band of peasants rushed into the

[4] This process obviated the necessity of serving the tenant personally with a notice to quit, and rendered it only essential to put up the notices in some conspicuous place in the parish or neighbourhood.

[5] The *Nation*, June 10th, 1843.

room and attacked him. He, with the aid of his sons, and the servants of the household, offered a stout resistance, whereupon a sanguinary fray ensued, which resulted in the retreat of the peasants, but not until Mr. Waller had been beaten to death.

In 1844, Mr. Gloster, who had served notices to quit on his tenants in the County Clare, was shot dead at five o'clock in the evening, while driving from an adjoining farm to his own house.

In 1845, Mr. Clarke was shot dead at two o'clock in the day, while walking in his own demesne in the County Tipperary; and, in 1846, a similar fate befell Mr. Carrick, while driving from the town of Ennis in the County Clare to his own residence close by. Finally, we learn from the "Annual Register" that on the fall of Sir Robert Peel's Government in the latter year, Ireland presented a "frightful picture of lawlessness." "Scarcely a newspaper," says the "Register," "appears which does not give accounts of one or more frightful murders." [6]

In 1846, Lord John Russell came into office, but from that time to the passing of the Encumbered Estates Act in 1849, the spirit of Ribbonism remained active.

In the single month of November in the former year, the following agrarian outrages were committed. Mr. Lucas, a landed proprietor in the King's County, was shot dead, while walking with a policeman (who had been engaged to protect him) from his herd's house to his own. William Roe, of Rockwell in the County Tipperary, evicted a tenant named Lonergan—"swept him off his estate," says the *Nation*, "to find his way into the poorhouse or into his grave as he could." But," adds the same journal, "before setting out on his woful journey, the houseless outlaw lay in wait for his enemy, and shot him through the heart." [7] Major Mahon, of the County Clare, evicted a number of tenants and shipped

[6] "Annual Register," 1846, Chr. p. 170.
[7] *Nation*, October 9th, 1847.

them off to America. On the voyage thither, they endured frightful sufferings, and, subsequently, sent home harrowing accounts of their position and circumstances. When these accounts reached Ireland, Mahon was at once marked out for vengeance; and one day, while riding in a closed carriage, accompanied by a doctor, near his own residence, he was shot dead. Flynn, a Catholic peasant, who had offended against Ribbon law, was stabbed to death while returning from the fair of Newtown Hamilton in the County Armagh. Walsh, a Catholic caretaker to a Catholic landlord, Mr. O'Callaghan, of the County Clare, was shot dead in broad day, while walking along the high-road near the town of Scariff. Mr. Hassard, treasurer to the Grand Jury of the County Fermanagh, was shot dead in his own demesne. Mr. Bayley, a landowner and a magistrate of the County Tipperary, was fired at, while driving in a gig near the town of Nenagh; his jawbone was shot away. A peasant named Ryan was attacked in his own house in the County Tipperary by a band of Ribbonmen. His wife flung herself between him and his assailants, and was shot dead. A policeman, while making inquiries on the spot where Major Mahon was murdered, met with a similar fate; as did, also, Mr. O'Donnell, the agent of the Marquess of Ormonde.

On the 28th of November, while the Rev. John Lloyd, vicar of Aughrim, was returning on horseback from service at his parish church to his residence at Smithstown, near Elphin, he was met on the road by an armed peasant, who, addressing him, said, "Say your prayers, for you're going to be shot." "What have I done," answered Lloyd, "that I should be murdered?" "You put out a tenant two years ago on your estate in Leitrim," replied the peasant, "and I tell you, say your prayers, for your hour has come." He then deliberately levelled his gun, took aim, fired, and Lloyd fell lifeless from his horse. The following extract from a letter written soon after Lloyd's death will give a fair idea of the condition of things in

Connaught at that time: "Every gentleman I have seen," says the writer, "carries arms; some are constantly accompanied by police. At poor Lloyd's funeral, which was attended by all the gentry, all the gentlemen present were armed. Some carried their arms from their carriages into the churchyard."[8]

In 1849, matters had grown even worse. "The determination," says the "Annual Register" of that date, "of the Irish tenants to evade the payment of their rents by the clandestine removal of their crops, and the efforts of the magistracy to defeat such illegal acts, have led to constant collisions between the peasantry and the police."[9] One of the most serious of these collisions occurred in the King's County, and was brought about under the following circumstances. A tenant farmer named Keyes had resolved to remove his crops and cattle to avoid a seizure for non-payment of rent, and with this view had gathered a strong force of peasants to assist him. Intelligence of Keyes' designs had reached the police, and Chief Constable Hall had made preparations to defeat them. Keyes, having remained on the alert for some days, and posted spies in various directions to watch the movements of the police, at three o'clock in the morning of the 14th of October, started with a number of cars full of grain, and with the cattle driven behind—all being surrounded by an escort of armed peasants—from his farm to his house. What rendered this expedition particularly hazardous was that it became necessary *en route* to pass the police barrack. This stage of the journey was, however, safely performed. But Keyes had not proceeded very much farther on his way when an alarm was given, and Hall and his men issued forth to arrest the progress of the peasants. By a cross march the police succeeded in outstepping Keyes, and, at a bend in the road between the latter's house and the barrack, flung themselves across his course. Thus confronted, Keyes

[8] "Annual Register," 1847, Chr. 161.
[9] Ibid. 1849, p. 124.

called upon his men to halt, and, advancing to the police, said, "Constable Hall, don't you know me? I am but removing my crops and cattle, which are not under seizure." Hall replied, "I don't know; the circumstances are suspicious, and I must take down the names of the party." To this Keyes objected, and said he would resist any attempt so to do by force of arms. Hall, however, declared that until the name of every man in Keyes' party was given to him he would not allow them to pass. "Very well, then," said Keyes, "we'll cut our way through you. Armed men (turning to the peasants) to the front." "Load," said Hall, addressing his men. The order was obeyed, and a moment of dead silence intervened, soon broken by Hall's voice again addressing the police, "Ready, present arms!" "Fire!" broke in Keyes, addressing the peasants, and anticipating the action of his opponents. The peasants obeyed, and the hostile forces opened fire on each other almost simultaneously, with the result that Sub-constable Mortimer was killed, and Hall and several of the men badly wounded; while on Keyes' side, the earth was strewn with the bodies of wounded peasants. But neither party yielded an inch of ground. Peasants and police fired again and again, and at last closed in a desperate struggle, which ended in a complete victory for the former. Keyes was as good as his word. He "cut his way through" the police, carrying safely off his crops, cattle, and wounded, and, as contemporary authorities express it, leaving the road behind "marked with blood for a long distance." [1]

[1] To show that at certain times England was not free from outrages of a somewhat similar character to those committed by the Irish agrarian societies, I may quote the following extract from Miss Martineau's "History of the Peace:"—"The year 1831 opened gloomily. . . . Society was in a discontented and tumultuous state. . . . Machine-breaking went on to such an extent that men were tried for the offence in groups of twelve and twenty at a time. . . . The January nights were lighted up by burning barns and ricks, as in the preceding months. On the 3rd January, a Manchester manufacturer was mur-

I now close the record of agrarian crime in Ireland for the years 1835-49, and turn to the consideration of the question, How far was landlordism to blame for its existence?

On this subject I shall place before my readers the opinions of Thomas Drummond, Sir Matthew Barrington, and other impartial authorities, leaving them to make their own deductions. Writing to the Tipperary magistrates after the murder of Mr. Cooper in 1838, and in reply to an appeal for coercion, Drummond used these words: "The Government has been at all times ready to afford the utmost aid in its power to suppress disturbance and crime, and its efforts have been successful so far as regards open violations of the law. Faction fights and riots at fairs, which were generally of a ferocious character, and the fruitful source of much subsequent crime, have been, to a very great extent, suppressed, though heretofore most commonly suffered to pass unchecked and unpunished; but there are certain classes of crime originating in other causes which are much more difficult of repression. The utmost exertion of vigilance and precaution cannot always effectually guard against them, and it becomes

dered in a manner which gave a shock to the whole kingdom. He left his father's house to go to the mill in the evening, when it was dark; he was brought home dead within ten minutes, shot through the heart by one of three men who were lying in wait for him. The significance of the case lay in the circumstance that it was a murder for revenge, occasioned by a quarrel about the trade union. There was fear lest the practice should spread. . . . A reward of 1000*l.* for the detection of the murderer was offered by the Secretary of State, and another 1000*l.* by the father and family of the victim; but no clue was obtained at the time, nor for some years afterwards." —Martineau, "History of the Peace," vol. ii. p. 413. On the 14th June, 1832, Mr. Beaumont, M.P. for Northumberland, called attention in the House of Commons to the report of a murder in North Shields by two men belonging to the union pitmen. Mr. Lamb (afterwards Lord Melbourne) said that "the murder had been committed in the most treacherous manner." Sir R. Peel said that "those in humbler life were subjected to the full brunt of the tyranny of the unions," and added, that some legislative enactment ought to be introduced to remedy the evil.—Hansard, vol. xiii. 3 ser. p. 618.

of importance to consider the causes which have led to a state of society so much to be deplored, with a view to ascertain whether any corrective means are in the immediate power of the Government or the Legislature. When," he continues, "the character of the great majority of serious outrages occurring in many parts of Ireland, though unhappily most frequent in Tipperary, is considered, it is impossible to doubt that the causes from which they mainly spring are connected with the tenure and occupation of land. Property," he adds, "has its duties as well as its rights; to the neglect of those duties in times past is mainly to be ascribed that diseased state of society in which such crimes take their rise; and it is not in the enactment or enforcement of statutes of extraordinary severity, but chiefly in the better and more faithful performance of those duties, and the more enlightened and humane exercise of those rights that a permanent remedy for such disorders is to be sought." [2]

That a letter of this kind should have been addressed to the Tipperary magistrates fifty years ago by an Irish Secretary is a remarkable fact; but it is no less remarkable that the magistrates were so much alarmed at its tenor that they suppressed it.

"With regard to the reply signed by Mr. Drummond to the memorial of the magistrates respecting the murder of Mr. Cooper and Mr. Wayland,[3] what steps did your lordship take upon the receipt of that reply?" Lord Donoughmore was asked before the Committee of the House of Lords on the State of Ireland in 1839. His lordship answered, "I considered the reply of such a nature I was very unwilling to make it public, and I sent for Lord Glengall, and Lord Hawarden, and Lord Lismore, and read the reply over to them three or four times; and although I do not conceive the document, though directed to me as Lord-Lieutenant of the county, to be my document, for Lord Glengall was the

[2] Parliamentary Papers for 1839, vol. xii. q. 12,027.

[3] Mr. Wayland ultimately died of his wounds.

chairman of the meeting, I said, 'Though this is your document, I shall not give it up under the state of excitement in which the country is; I shall not allow it to be published at present, inasmuch as I am the party to whom it is addressed.' It was so worded that it threw the blame upon the landlords of having been the authors of the outrages. That was the impression upon my mind, and I did not wish it published." "Did your lordship," Lord Donoughmore was further asked, "express that opinion to any gentlemen of the county, except the gentlemen you have named?" "Yes; when I went over they asked me what the reply was, and my answer to the magistrates individually was, that I considered it of such a value that I would not publish it." "Your lordship considered it a dangerous thing with regard to the landowners of the country?" "I considered it of that nature; I may be wrong." "Will your lordship have the goodness to point out the passages which appear to you to have that tendency?" "The part of this answer to which I particularly objected was this, 'Property has its duties as well as its rights; to the neglect of these duties in times past is mainly to be ascribed that diseased state of society in which such crimes take their rise.'"[4] Assuredly, no severer commentary can be passed upon the practice of landlordism in Ireland in the year 1838 than is implied in this ingenious statement of Lord Donoughmore. The landlords of Tipperary dreaded the enunciation of the truth that property had its duties as well as its rights, coupled with the assertion that those duties were neglected by them.

Drummond's letter was followed by an equally remarkable document, viz. Sir Matthew Barrington's letter to Sir Robert Peel in 1844. Sir Matthew Barrington knew Ireland very well. He was Crown Solicitor on the Munster Circuit for nearly a quarter

[4] Parliamentary Papers for 1839, vol. xii. q. 12,038 *et seq.*

of a century, during which time he made the investigation of agrarian offences a special study. Here is what he says on the subject:—

I am convinced that the turbulence and insubordination which have so long marked his history, do not belong to the natural character of the Irish peasant, for there is not in the world a race possessing stronger feelings of fidelity, attachment, gratitude, and generosity.

The Irish have been for centuries in constant warfare with the constituted authorities of the country; they have been disciplined under rebellions, forfeitures, penal laws, secret societies, combinations, and insurrections. That thus schooled they should endeavour to redress their wrongs by means the most lawless and violent cannot be a matter of surprise; neither can it be expected that they should readily or quietly settle down to habits of peaceful industry so long as the main evil, which paralyzes the best energies of the country, remains unremedied.

This evil, I conceive, has reference to the state of landed property in Ireland. The system of middlemen with rack-rents —sub-divisions of land—clearing estates—consolidation of farms, &c., &c.—all tend to unsettle and alienate the minds of the peasantry by depriving them of an interest in the soil they cultivate. Destitute of the strongest incentive to industry, they became indolent, reckless, and desperate. It is this principally which has caused the disorders of the country for the last century.

And, notwithstanding the application of armed force, police establishments, Special Commissions, Insurrections Acts, &c., &c., yet all the temporary alleviations thus effected have not availed to prevent the periodical recurrence of agrarian disturbances.[5]

Lord John Manners visited Ireland in 1846, and we are indebted to his pen for the following sketch, illustrative of "every-day life" in that country:—

August 24th.—I witnessed to-day some curious and some painful illustrations of every-day Irish life, at Six Mile [Bridge] Petty Sessions, in a wild part of Clare. On entering the little town, every other house in which is a ruin, we met Mr.——, to whom —— introduced me as one of the most spirited improvers in the West.

We went into court, and the case which occupied most time

[5] Letter to Sir Robert Peel in 1844, marked "private," pp. 4, 5.

and attention was one in which Mr. —— played a conspicuous part, as will be seen from the following sketch of the attorney's speech for the plaintiff in Maloney *v.* O'Gorman.

For twenty years Maloney had rented of Mr. —— a small farm and piece of bog convenient for 18*l.* per annum. In 1843 the lease expired; Mr. —— refused to renew it, and asked 5*l.* in addition for the tenancy at will; Maloney agreed, and took the land; but Mr. ——, anxious to improve his estate, said, "Unless you will subsoil your farm you must pay five shillings an acre more." To this Maloney demurred, and then followed a series of persecutions on the part of Mr. ——, the last of which was the case before us. In 1844 Maloney tendered his rent, *minus* the 2*l.* 5*s.* for not subsoiling; Mr. —— refused to receive it, and served Maloney with a latitat; the cause was tried, and Mr. —— cast with costs.

Coming out of the court the defeated gentleman saw Maloney and his wife standing outside, and, as their house was some way off, knew they could not reach it speedily. He jumped on a car, and broke into the ungarrisoned place, turning the furniture into the road, and breaking the finger of Maloney's father-in-law, an infirm old man, with the tongs. The work of demolition was nearly completed before the Maloneys came up. On Mrs. Maloney attempting to enter Mr. —— presented a pistol at her; but in spite of all this a truce was concluded, the furniture replaced, Mr. —— forgiven, and things resumed a tranquil appearance. But twelve days after this attack Maloney hears that Mr. —— has issued a summons against him for an assault. The trial came on, but the Crown prosecutor refused to proceed with it, and Mr. —— was again defeated. This took place last spring; he then gave Maloney notice to quit next November, thus acknowledging the poor man's right to the land until that period. But in spite of this he affected a right to let the piece of bog to the present defendant for 14*s.*, and had induced him to "foot" the peats which Maloney had cut, for doing which the action was brought. Imagine this tale, which I have purposely related in as bald a manner as possible, told with all the vindictive eloquence of an Irish attorney pleading the cause of the poor oppressed against the rich oppressors! Well, O'Gorman said but little in defence. Mr. —— had assured him the bog was not let to Maloney, and had urged him to "foot" the turves; he believed him, paid his rent, and committed the act charged against him. The plaintiff's attorney asked for nominal damages only, to prove once more his

client's right, and 1*s.* fine was imposed on the luckless O'Gorman. What a light does this little history, thus imperfectly told, throw on Irish misery and Irish disaffection. Here you have a gentleman, whose health, a few days ago, was proposed at the great Irish agricultural meeting in Limerick, as the type of agricultural progress, demanding that which no landlord has a right in equity or in law to demand of a tenant, persecuting that tenant from court to court for resisting that unjust demand; when defeated in law, having recourse to violence, and with his own hand assaulting an infirm and helpless old man; receiving double rent for the same bog; and lastly, urging a man, whose money he had wrongfully received, to the perpetration of an illegal act, for which that man is punished.[6]

I shall offer but one word of comment upon this striking sketch, viz. that if Mr. —— had lived in the partly Teutonic and partly Celtic county of Tipperary, he would inevitably have been shot. But, the pure Celts of Clare belong to a patient and long-suffering race. It deserves, also, I think, to be noted, that the civilized manner in which Maloney met the brutal conduct of his landlord was rewarded with success. So far the wild Western peasant set a good example to his more advanced fellow-countrymen in the great Anglo-Irish county of the island.

Another Englishman—Mr. Binns—who visited Ireland, during the decade 1835-45, and who moved a good deal about the country, and had his attention much directed to the subject of agrarian crime, thus refers to the unhappy struggle between landlord and tenant:—

When we hear of the Irish violently resisting the conduct of an agent who has ejected them, although we cannot justify the outrages they commit, we ought certainly to regard them with some degree of indulgence, remembering the interest they have in the property, and seeing that when thus ejected they go homeless, houseless, and penniless wanderers and beggars on the face of the earth. If we may not vindicate the savage excesses in which they too frequently indulge, we are bound to

[6] "Notes of an Irish Tour in 1846," pp. 15—18.

consider whether their legalized oppressors do not merit at least a portion of our condemnation.[7]

Thornton writes to the same effect in his "Plea for a Peasant Proprietary:"—

The outrages, he says, by which life and property are endangered in Ireland result, naturally, from the wretchedness and desperation of the people. The law is disobeyed, because to the multitudes who have nothing to lose it affords no protection, while it withholds from them everything they covet. Self-preservation is the first principle of life, and they that cannot keep their lives by any other means must fight for them. To an Irish cottier a writ of ejectment is equivalent to a sentence of starvation, and he, not unnaturally, endeavours to retain possession of his land by sending a bullet through the head of every competitor. It is the fear of destitution that goads him on to crime. . . . There are no bounds to the tenant's liability, and no security against ejection.[8]

But more striking, perhaps, than any of the extracts I have hitherto quoted on the subject of Irish agrarianism, are an article which appeared in the *Times* newspaper in 1842, and a speech delivered by Lord Palmerston in the House of Commons in 1843. No one can accuse either the *Times* or Lord Palmerston of any particular predilection for the Irish peasantry, yet it is in the following terms that both these distinguished authorities refer to the question of landlord and tenant in Ireland. The leading English journal, writing immediately after the murder of Mr. Scully, used this remarkable language:—

With feelings of unmingled pain we have witnessed the reappearance of that frightful system of murder and outrage which has so long infested the South of Ireland, and in par-

[7] "Miseries and Beauties of Ireland," vol. i. p. 220.

[8] "Plea for a Peasant Proprietary," pp. 211, 212, and 190 "Where," says Doubleday, in his "Life of Sir Robert Peel," "ejectment for non-payment of rent from his little holding is all but equivalent to a sentence of death, by slow starvation, upon a man and his family, men placed in a position so dreadful, acting upon that law of nature which places self-preservation first in the list of motives, will escape the ejectment by even murdering the agent."—Vol. ii. p. 434.

ticular the unhappy county of Tipperary. . . . The evil has arisen in the general system upon which the occupation of land has been based and conducted, and in the treatment of the occupier by the landlord. . . . In our paper of yesterday alone we published intelligence respecting no less than eight cases of outrage, three of which were most cruel and revengeful murders, committed and achieved in cold blood; and three more attempts, only frustrated by some unforeseen chances, to commit the crime; and all these miserable enormities took place within the limits of a single county, and almost within the compass of a single week. Religious variance is no account of these crimes, for two of the unfortunate persons thus assassinated, Mr. Mortimer and Mr. Scully, were Roman Catholics. Nor does it result from any hostility to any particular class or rank; for although Mr. Scully was a man of birth and fortune, yet agents, yeomen, and even labourers, appear indiscriminately the victims of this fearful organization.

There is, however, one feature common to all of these unhappy cases, viz. that the victim, or intended victim, had been either the original mover, or the obnoxious promoter of some vexatious distress or ejectment. Mr. Mortimer, it seems, had brought an action against two persons of the name of Daubey. They had held land from him in Ballylarkin. *They had paid up their rents to the very day;* but it was alleged they had violated the conditions of their lease by cultivating a portion of the farm in a different mode from that agreed upon. And upon this *penal* covenant an action was brought by Mortimer. They paid the costs, and had agreed to give him possession on the following day, in consideration of his abandoning the proceedings; but he did not live to receive it,—on the same night he was murdered. And so in other cases. But we cannot dismiss this without more particularly calling attention to its peculiar features.

This was not the ordinary (we are sorry to believe the *too* ordinary) case of the farming-out an estate by an absentee landlord to a middleman, who, with no sort of interest either in the prosperity of the estate, or in the well-being of the tenantry, beyond the security of his own receipts, pays himself by racking the tenantry to the utmost value of their holdings. This, we say, was not the case—it was one of a different kind, but, perhaps, not greatly inferior in prudence or humanity. Where his rent is unpaid, a landlord who looks upon his land as a trader looks upon his capital,—in the nature of a speculation,—is not likely to depart from the rigid strictness of that contract to which his unhappy tenant has, as well as himself, been a

voluntary party. But where the rent has been accurately paid up to the very day, and advantage is taken of one of the penal covenants which abound in every lease, and in which it is no difficult matter to suggest a breach at any given time—to proceed, on such grounds, to the *ultima ratio* of an ejectment, is certainly as harsh an exercise of the full power which the law necessarily intrusts to the landlord as can well be conceived.

In any case, a landlord is not a tradesman; he stands to his tenantry, or he ought to do so, in *loco parentis;* he is there as well for their good as his own; they are not mere contractors with him, to hold his land as capital, and pay him the full interest, or incur a forfeiture; they are rather agents placed in his hands, and under his care and protection, for the purpose of working the land, and whose *natural* relation with him cannot be determined except by negligence, or ill-conduct.

If the land be treated as money, and tenantry as borrowers, people may be sure that the landlord will be an usurer. This is *generally* true, but in Ireland the tenant who is thus treated as though he had been an unfettered party to the original agreement, has not the shadow of the character of a voluntary contractor. It is with him, either to continue in the quarter of an acre which he occupies, or to starve. There is no other alternative. Rack-rent may be misery, but ejectment is ruin.

Another small allotment is no easy matter to procure; and other employment for him there is none. And yet in this state of things, estates are farmed out to middlemen; and ejectments are then brought, because the unhappy tenant is behind with his rent, or, what is still worse, upon some trivial breach of covenant, merely because possession would be convenient to the party seeking it. What has been the result? Conspiracy, hatred, revenge, and murder—most cold-blooded, most brutal murder.[9]

[9] The *Times*, December 7, 1842. "The 1,000,000 families," says the *Edinburgh Review*, "who now occupy the soil of Leinster, Munster, and Connaught, scarcely know the existence of the civil law courts, except as the sources of processes, distresses, and ejectments. There are many parts of Ireland in which a *driver* and a *process-server*—the former a man whose profession it is to seize the cattle of the tenant whose rent is in arrear, the latter, an agent for the purpose of ejecting him, form regular parts of the landlord's establishment. There are some in which the driver, whether employed or not, receives an annual payment from every tenant. On many estates, every tenant is served every year with a notice to quit, for the mere purpose of keeping him at the landlord's mercy; and on still more, the abate-

Language not less striking than this was used by Lord Palmerston in the House of Commons on the 23rd of June, 1843:—

It is vain, he said, to deny that in the last twenty years the people of Ireland have had much to complain of in respect [to the relation of landlord and tenant]. It is well-known that in former times large farms—great tracts of land—were let upon leases of sixty-one years, or of three lives to one individual, who in turn re-let the same land in smaller portions to others, who re-let to a third set, who again re-let to a fourth, and so on; and thus in the course of years the land became covered by multitudes of occupants, greater than was essential to the good cultivation of the soil, or greater than could obtain any insight into the science of agriculture. This was a class which was greatly increased and augmented when the forty-shilling freeholders were in existence; but at last the landlords, feeling the inconvenience of the system, and not sufficiently reflecting on the injustice which they were inflicting on others—and as I maintain upon themselves—when they found the leases of this sort expiring, and found on their land great numbers of people, born and bred there, who were exercising their industry in the narrow limits of some two or three acres of land, turned out wholesale hundreds of families, retaining only that number which, in their theoretical and abstract imaginations, might be sufficient for the advantageous cultivation of the soil. This might be done in England without causing the same degree of suffering and misery. If they removed any portion of the population of England from its position, they would go to Manchester or Birmingham, or some of the great manufacturing districts of the kingdom and they might at once find profitable occupations in our manufactories. In Ireland there were no manufacturing towns. The people when turned out of their homes—without the chance of obtaining a bone—were driven to perish on the roadside, or to eke out a lingering existence as squatters on the fringe of a bog, or in the outskirts of some neighbouring town. This is a great grievance. Cases have occurred where landlords have done this to a great extent, and have deliberately ejected good and sufficient and substantial tenants

ments from rent, which every landlord must occasionally make, instead of being absolutely remitted, are kept in legal force, to be used when any motive, pecuniary or political, or personal, may induce the landlord to exact them.—January, 1844, pp. 198, 199.

in order to give their lands to Protestants, greatly misjudging the nature of the Irish people in thinking that it is necessary to have an identity of religion in order to establish that firm sense of regard and affection which is so desirable to be maintained between landlord and tenant. On what grounds were these steps taken? It is said that the people ate the produce of Ireland, and that the landlord could not obtain a fair rent for the land. I deny both these propositions, and I maintain that the people by the close application of their labours to small portions of land, obtained a greater amount of subsistence from the earth than the best farmers could by the application of any system of agriculture. But even if it was true that the landlord sustained some pecuniary loss, he would be amply repaid for the diminution of his profits by the cordial welcome with which he would be greeted on visiting those estates on which he had allowed the poorer tenants to remain. It is further said that these persons in reality were not the tenants of Ireland, that her tenants were the persons whose leases had expired, and that the landlord had a right to expel these persons, although bred and born on the land, because they possessed no right of tenantry. I hope that the landlords will abstain from exercising that power which the law gives them, and that by showing a little more consideration to the peasantry whom they find on their estates, they will seek to do away with that grievance which is expressed in the somewhat absurd term "fixity of tenure."[1]

In 1846, O'Connell thus referred in the House of Commons to the murder of Mr. Carrick:—

Unhappily he was the agent of a young gentleman under age. He got the tenants to pay their rents by a promise that, as soon as the young gentleman came of age, twenty-five per cent. should be taken off their rents. The young gentleman came of age. Mr. Carrick did not call upon him to perform his promise; he sent out a valuer to value the lands; the tenants thought that a reduction of rent would follow the valuation; but the valuation was higher than the existing rent, and they were obliged to pay that higher rent. And when they came to expostulate with the valuator what did he say? He said he did not value the lands at all; that he got a cut-and-dry valuation—that was the phrase he used—from Mr. Carrick, and he had only made a return that was dictated to him. Mr. Carrick told the tenants they must take out

[1] Hansard, vol. lxx. 3 ser. pp. 281, 283.

leases; and when they came with their rent, the first thing he did was to stop £10 from each tenant for the expense of a lease. They paid £10 each. They were obliged to go home to collect money to make up the deficiency in the rent; but from that day to the day of his death they never got a single lease. If he had lived one week longer he would have got an *habere*, and turned out thirty-one families.

With the following extract from a forcible speech delivered by Mr. Poulett Scrope, in the House of Commons, during the discussions on Sir Robert Peel's Coercion Bill of 1846, I shall conclude my quotations on the subject of landlord accountability for Irish agrarian crime during the years 1835 and 1849.

Her Majesty's Government say that the purpose of the measure [the Coercion Bill of 1846] is to put down criminal outrages, and to protect life in Ireland. Now, sir, these are objects which we on this side of the House have as much at heart as any member of the Government, and we will go any lengths really to effect them. But in order to put a stop to the system of outrage prevalent in Ireland, surely it is necessary to understand, and to direct your remedies to its cause; to attack the root of the disease, not its symptoms merely. The noble lord [Lord Lincoln] said the other night, "The whole body corporate of society is diseased—every relation of life is diseased." True, most true; but what is the disease? The outrages are not the disease; they are the symptoms only. What then is the disease itself, and what are its causes? No one, I imagine, supposes these crimes to be committed out of a mere wanton spirit of evil. No one now attributes them to political agitation, or sectarian or religious animosities. Their real cause and character no one can now plead ignorance of, after the proofs that have been laid on the table of the House by the evidence taken by successive Committees and Commissions.

I have myself proved it to you long since. I will tell you once more, and I defy any man acquainted with the evidence to contradict me. The disease that affects Irish peasantry, and causes them to commit or sanction those shocking outrages which swell your constabulary reports, is a deadly struggle among the people for life, and the means of living. It is a war for dear life that rages more or less secretly and silently, but not the less fearfully, in almost every corner of the land. . . . Do you deny that the peasantry of Ireland

are fighting for existence in maintaining this system of outrage? Why, are there not, on the evidence of your own Commissioners' reports, 2,000,000 of people and upwards on the verge of starvation? It is to avoid this, or a worse fall, that the farmers and labourers commit or sanction these crimes. Your object, you say, is to protect life.

Oh, we will join you heartily in this if you set about it in the right way. But, remember, life is destroyed in Ireland in other ways than by the bullet of the assassin. Life is taken in Ireland by the slow agonies of want, and disease engendered by want, when human beings are deprived (however legally) of that only means of living, and no resource afforded them in its place. When a landlord clears his estate by driving from their homes hundreds of poor tenants, who have no other possible source of refuge, does he not as effectually destroy their lives (at least many of them) as if he shot them at once? It would be a mercy to do so in comparison.

"Do you deny that the lives of the peasantry are unprotected by law—that they are obliged to protect themselves by these criminal outrages? I ask you if, since these very discussions began, we have not had proofs, multiplied proofs, of the mode in which the landlords of Ireland are decimating the people of Ireland? Ay, in the midst of fever and famine, was not a whole village razed by Mr. Gerrard—400 souls turned out upon the highway—not allowed even to rest in the roadside ditches? Was not another village razed by the Marquess of Waterford? Another, I believe, by Mr. Clark of Nenagh, who was murdered—another by Mr. Pierce Carrick, who was murdered for the same intention. All these and numerous other facts of the kind are going on at this moment. Even in this morning's paper, I see a fresh announcement of a clearance of 180 individuals. As leases drop in landlords consider themselves justified in consolidating their estates, and ejecting the numerous families of tenantry who have occupied under the old leases. Now, I ask, what becomes of those ejected wretches, whose houses are pulled down, who are driven forth from the land where they were born and bred, hunted even out of the roadside ditches when they take shelter there, as was literally the case in the Gerrard clearances? Where are they to go? How are they to live? They are trespassers everywhere, even on the high-road. No one wants them, no one employs or shelters them.

If they squat on another landlord's estate, they are driven out again as nuisances—pests—as people, in one word, who have no right to exist. True, they have none in law; but I

much doubt whether, in the sight of God, their right to existence, and the means of existence, be not as strong and holy as that of any peer or prince of the realm.

I ask, what becomes of them? Why, we know on the best authority [Dr. Doyle]. They wander to the towns, and try to live by beggary; but they do not live long. . . . Is not an ejectment, then, of this kind tantamount to a sentence of death on a small farmer or cottier, whose only chance of living and maintaining his family is the occupation of a bit of land?

And can you wonder at his retaliating on him whom he feels to be his oppressor? Or can you wonder that thousands, who know themselves to be exposed to this fall every day, combine to save themselves from it by a system of outrage and intimidation?"[2]

These authorities are, I think, conclusive of the responsibility of the Irish landlords, or, perhaps, I ought rather say of the Irish land system, for the prevalence of agrarian crime in Ireland. Sir Matthew Barrington has well classified the evils of that system under four chief heads:—

1. "Middlemen with rack-rents."
2. "Subdivisions of land."
3. "Clearing of estates."
4. "Consolidation of farms."

But the landlords asserted that they were not responsible for these evils, that they were not to blame for the exactions of the middlemen or the mischiefs of subdivision, and that the clearing of their estates, and the consolidation of farms, were necessary to put an end to both. I think, however, that the landlords failed to make good this defence. In the first place, middlemanism was practically of their own creation. It sprang out of their indifference, neglect, and subsequent abandonment of their tenantry and their country. If there had been no absentees there would have been no middlemen.[3]

[2] Hansard, vol. lxxxvii. 3 ser. pp. 387, 394.

[3] The absentee drain in 1843 amounted to 6,000,000*l*.—*Nation*, May 27, 1843.

In the next place, the subdivisions of land were at first encouraged by the landlords. It was they, in fact, who in large measure taught the peasants this bad habit, for the selfish purpose of swelling their rent-rolls, and increasing their political power. I have already pointed out in my "Parliamentary History of the Irish Land Question"[4] how, after the passing of the Catholic Relief Act of 1793, the landlords stimulated the practice of subdivision, in order to have as many voters as possible under their influence, and I shall make no further reference to the subject here than to quote the following extract from the Report of the Railway Commission of 1838:—"Not only did they [the landlords]," say the Commissioners, "not discourage the multiplication of small tenures (which they might have done effectually by their influence, even in cases where, by former demises, the management of their estates had been placed in the power and depended upon the will of others), but they were themselves the active promoters of that system, and that from a too obvious and intelligible motive—a desire to swell their rent-rolls, which were at first considerably increased by the operation of this principle, and a wish to possess themselves of political influence and power at the elections."[5]

It was not until the forty-shilling freeholders were abolished in 1828 that the landlords became very actively alive to the evils of subdivision, and applied themselves to the promotion on a large scale of the system of clearances and consolidation.[6]

Considering that the landlords were primarily responsible for the two first-named evils of the Irish

[4] Pp. 6, 7, 8, 9.

[5] This report was prepared by Thomas Drummond, and will be found in McLennan's "Life of Drummond," p. 360.

[6] Of course, there were clearances before this Act—clearances to make way for graziers and cattle—but I think it will be found that, in the main, the clearance system assumed much more formidable dimensions after 1828 than before.—See "Parliamentary History of the Irish Land Question," p. 8.

land system, their conduct in the "clearing of estates" and the "consolidation of farms," without having regard to the terrible consequences which those measures entailed upon the unfortunate occupiers, is all the more culpable. They never gave a thought to the fate of the wretched peasantry the moment they were swept from their holdings. They never realized the fact that no other means of livelihood were left open to them. They never took into account that, as Lord Palmerston said, there were no Birminghams or Manchesters in Ireland, where they might seek shelter and occupation. In a word, they acted in all matters as if the circumstances of Ireland were identical with those of England, and as if a writ of ejectment in the one country would be attended only with the temporary inconveniences to which it led in the other. Moreover, they never recognized the important fact that, whereas the English tenant had sunk no capital in the land, the Irish tenant had; that, whereas all the improvements in the one case had been made by the landlord, all in the other had been made by the tenant, and that eviction in Ireland, unlike eviction in England, involved at the least, the loss of this capital, and the confiscation of those improvements.[7]

Of course, in all that he did the landlord acted within the law. The law enabled him to do what he liked with his own, and this he did regardless of consequences, and forgetting that by the rigorous exercise[8]

[7] See speech of Lord Normanby in the House of Lords, February 17, 1844, and speech of Lord John Russell.—Hansard, vol. lxxxvii. 3 ser. p. 507; Digest of Devon Commission, vol. ii. pp. 1122, 1123. Mr. Barnes, stipendiary magistrate, said before the Committee of the House of Lords on the State of Ireland, in 1839, that if the landlords gave compensation to the tenants, and treated them fairly, the system of consolidation would not have been opposed by outrage. Agents, he said, would run no risk if they acted with humanity.—Parliamentary Papers for 1839, vol. xii. qs. 11,872 *et seq.* and 11,855.

[8] "The rights of property [in Ireland] are exercised with the utmost rigour."—Lord John Russell, House of Commons, April 15th, 1839.

of his rights he was steadily undermining the system he wished to uphold—for a system under which acts of injustice and wrong are habitually committed is doomed, sooner or later, to certain destruction. He did not apparently think that the tenant had any absolute right to live on the land at all. The land he regarded as simply his capital, and the tenant as merely an instrument for making that capital productive to *him*. When it suited him to remove the tenant and seek other employment for his capital, he did so, as a man might sell out Russian securities and invest in consols. To the mere investor, Russia and England are nothing but dividend-producing countries, and to the Irish landlords tenants were nothing but rent-producing machines.[9]

It was this view of their relation to their tenantry which led the landlords, in season and out of season, and whether the latter liked it or not, to suggest emigration as the great remedy for Irish ills.

"Do you look to emigration as the great source of amelioration of the labouring classes in Ireland?" Thomas Drummond was asked before the Landlords' Committee of 1839. He answered, saying more than it was intended he should say, "To the operation of the Poor Laws and emigration combined, for relief from immediate pressure; and to those means, combined with the better and more enlightened views of landed proprietors with respect to the interests of their

[9] Mr. Wiggins, agent to the Marquess of Headfort, said that where the produce of an Irish farm was 150*l*., the share of the landlord [who as a rule made no improvements] was 100*l*., or two-thirds, while in England, where the produce of a farm was 300*l*., the share of the landlord [who as a rule made improvements] was 100*l*., or one-third.—See speech of Lord Normanby, House of Lords, February 13th, 1844. "It strikes me," said Mr. Twistleton, "that before the introduction of the Poor Law into Ireland, the peasantry were regarded by a large proportion of the proprietors merely as individuals who paid them rent. The landlords used to get their rent from them, but otherwise took very little interest in them."—First Report of Select Committee [Commons] on Irish Poor Laws, Parliamentary Papers for 1849, vol. xv. part i. q. 4380.

tenantry as well as their own, for permanent amelioration."[1]

On this subject of emigration much has been said both by the landlord and tenant parties which will not, I think, stand the test of dispassionate analysis. The truth is, that the landlords by taking up an extreme position on the one side, have forced the tenants into an equally extreme position on the other, so that the former's careless and inconsiderate cry of "Emigrate, emigrate" has been met by the latter's not always reasonable counter-cry of "Keep a grip on the land."

Lord Dufferin, in his able and fairly-written work on "Irish Emigration and Irish Land," has said that a wisely-conducted system of emigration from Ireland would be good for those who went and for those who stayed behind. I think this statement is in the main true. But there has never been an attempt at wisdom in the emigration policy of the Irish landlords. Forced emigration is always mischievous, and Irish emigration has almost always been forced. Hundreds of people have left Ireland who could have done well at home if the landlords had only given them fair play; if there had been no restraints placed upon their industry; if they had been allowed free scope to cultivate the land, and to reap the fruits of their labours.[2] Poulett Scrope points out in a letter to Lord John Russell, written in 1847, that there were in 1841 500,000 acres of waste land fit for cultivation in the County Mayo, if the landlords would only encourage the peasants to cultivate them. "But," he adds, "the landowners of Mayo prefer driving the people out of the country to England or America, or starving them

[1] Select Committee [Lords] on State of Ireland, 1839.—Parliamentary Papers for 1839, vol. xii. q. 14,027.

[2] Binns states, in his "Miseries and Beauties of Ireland," that it was the practice to place tenants on the verge of a bog, to reclaim it, and then, when it was brought into a state of cultivation, to raise the rent on the tenant.—Vol. ii. p. 10.

out of existence, to encouraging them by long leases to settle on waste lands at home. This is why Mayo appears to be overpopulated, when the contrary is, or ought to be, the fact."[3]

Mr. W. Steuart Trench was asked before the Devon Commission if he thought that the locating of the superabundant population on waste mountain tracts would answer as well as sending them out of the country, and he answered, "Certainly; at least for a vast number of years to come."[4] In fine, Sir Robert Kane[5] states that in 1847 there were 4,600,000 acres of improvable waste in Ireland.[6] In addition, it must be remembered that there were tracts of land used for grazing purposes which might have been more serviceably used for tillage. But the landlords took no heed of these matters. They were not bound

[3] "Letter to Lord John Russell," p. 17. The population of Mayo in 1841 was 400,000, and out of a total of 1,300,000 acres (of which, according to Poulett Scrope, and Sir R. Griffith, 1,000,000 were fit for cultivation), only 500,000 were cultivated.—Ibid. p. 17.

Robert Cree, an Ulster farmer, related before the Devon Commission a case in the County Tyrone, where the rental of a small farmer was doubled "in consequence of a house being built by the tenant without stick, stock, or stone, having been got from the landlord." (This case was referred to by Poulett Scrope in his "Letter to Lord John Russell," p. 45.) "By far the most extensive class of witnesses attribute the inertia [of the peasantry] to the fact of the occupiers not having any certainty of receiving compensation if removed immediately after having effected valuable improvements."—Digest, Devon Commission, part i. p. 15.

[4] Scrope also refers to this statement in his "Letter to Lord John Russell," p. 15.

[5] Kane, "Industrial Resources of Ireland," p. 257.

[6] Thornton, in his "Plea for a Peasant Proprietary," p. 220, states that at the time—

Mayo contained . .	170,000	waste acres	fit for cultivation.
Galway . . .	160,000	,,	,,
Donegal . . .	150,000	,,	,,
Kerry . . .	150,000	,,	,,
Cork . . .	100,000	,,	,,
The Province of Ulster (exclusive of Donegal)	269,000	,,	,,
Leinster . . .	186,000	,,	,,

to their tenants by any kindly ties; they never entered into their feelings. They never sympathized with the very natural, though perhaps sometimes overstrained, sentiment which attached those poor people to their homes, made dear by a thousand fond memories and grateful recollections. The landlords, in fact, whenever they came to the conclusion that their estates were overcrowded, or that there were too many small holdings, and that a system of consolidation would lead to higher rents, mercilessly cleared their properties.[7] Nor, was their conduct in other respects of

[7] "While," said the Marquess of Normanby, in the House of Lords, on the 27th of November, 1837, "in most cases the relation of landlord and tenant in England is one of sympathy, without dependence; in Ireland it is too often one of entire dependence, without a shadow of sympathy." The only positive effort, so far as I can see, made by the landlords during the years 1835 to 1849 to grapple with the difficulties of the situation in Ireland was in the direction of emigration. A meeting of landlords was held in Loughrea for this object in 1839, and some funds were subscribed to ship off the "surplus tenants" to Australia. "We may select," said the chairman of the meeting (Mr. Birmingham), in what he no doubt considered a humorous vein, "that quantity of land in the best situation, and call it Loughrea; and there may be a handsome lake, too, attached to it; and thus these settlers may fancy themselves still in their dear Loughrea, with their associations and friends about them." The object of the meeting was avowedly stated to be to relieve the owners of land in the Union of Loughrea (which was about to fall under the operation of the Poor Law) from the burden of supporting a pauper population.—"Annual Register," 1839, Chr. p. 212.

On the subject of small holdings, the following table was handed in by Lord Devon to the Committee on the Farmers' Society (Ireland) Bill, 1847:—

Holdings under One Acre.	
Leinster	133,220
Munster	162,386
Connaught	234,499
Ulster	155,204
Holdings between One and Five Acres.	
Leinster	49,152
Munster	57,028
Connaught	99,918
Ulster	100,817

such a character as to counterbalance the impression produced by these harsh acts. I am strongly of opinion that if the landlords who favoured emigration had only shown a desire to promote the welfare of their tenants generally, and to advance the prosperity of the country, the peasantry would never have developed that hatred to the system which they certainly came to evince. But, the indifference of the landlords to the well-being of their dependants, their carelessness about the affairs of the country, save where their own narrow interests were immediately involved; their steady espousal, as a class, of the unpopular side in politics, and their opposition to all measures for ameliorating the condition of the tenants, coupled with their constant cry for coercion and emigration, presented them to the people in the guise of national enemies, who regarded the mere Irish as "nuisances" in the land.[8] Thus, emigration, which in all other countries is regarded as a purely social or material question, was in Ireland endowed with all the acerbity of politics. The landlords were regarded as "exterminators," and their aims for "depleting" the country were vigorously resisted—this resistance being carried so far that on some occasions the peasantry clung to the

Holdings between Five and Fifteen Acres.

Leinster	45,595
Munster	62,320
Connaught	45,221
Ulster	98,992

Holdings between Fifteen and Thirty Acres.

Leinster	20,589
Munster	27,481
Connaught	5,790
Ulster	25,099

[8] A witness before the Devon Commission said: "One of the great mischiefs in Ireland is, that it seems to be taken for granted that man is a nuisance." O'Connell also used these words: "There has been a notion gone abroad that human beings are an encumbrance to the land, and that every family which is subsisted is so much taken out of the landlord's pocket."—Digest, Devon Commission, part i. p. 254.

land, when it would certainly have been better for them to have sought their fortunes in other climes.

I have now traced the history of the Irish Land War from the year 1761 to 1849, and, while placing before my readers such facts as will, I trust, enable them to form their own views on the subject, I do not shrink from stating, that, in my judgment, the landlords were to blame for the unhappy struggle which so long distracted the country.

In conclusion, it only remains for me to refer to the efforts made by the British Legislature up to the latter year to establish peace between the combatants. And here my task is easy, for I have already, in my "Parliamentary History of the Irish Land Question," dealt fully with this part of the subject. My allusions to it now will, therefore, be brief and summary.

Between 1800, and 1849, Select Committees were appointed frequently to inquire into the state of Ireland.[9] Before almost all these Committees it was proved that the relation of landlord and tenant needed adjustment; that the disorders which affected the country owed their origin in the main to the unhappy character of this relation.

In 1835, the question of landlord and tenant was transferred from the regions of Select Committees to Parliament itself by Mr. Sharman Crawford.

Between the latter year, and 1846, O'Connell, despite the many other cares which rested on him, and the many subjects which engaged his attention, spoke again and again on the question of the land.[1] In 1843, the Devon Commission was appointed to inquire into the whole subject of the occupation of land in Ireland, and in 1845 it reported (1) that all the improvements in the soil were made by the tenants; (2) that these

[9] I have given a full account of the proceedings of these Committees in the "Parliamentary History of the Irish Land Question."

[1] See Collected Speeches. O'Connell said, before the Devon Commission, "Fixity of tenure will be conquered from the landlords' fears."—Digest, part i. p. 254.

improvements were subjected to confiscation, and were confiscated by the landlord; (3) that the outrage system sprang from the ejectment system; and (4) that it was necessary for Parliament to intervene to compel the landlord to recoup the tenant on eviction for his outlay on the land. But the labours of all the Select Committees, and of the Devon Commission, and the exertions of Sharman Crawford, who in an especial manner made the Land Question his own, were unproductive of any practical results. Land Bills introduced by Crawford, in 1835, and 1836, to carry out proposals, similar to those advised and sanctioned ten years later by the Devon Commission, were opposed by the landlords in and out of Parliament and defeated. More important still, a Bill introduced in 1845 by Lord Stanley for the purpose of giving effect to the recommendations of the Devon Commission, had to be abandoned owing to the hostility of the House of Lords. And similar measures, brought forward in the same year by Crawford, in 1846 by the Earl of Lincoln (Chief Secretary for Ireland under the Administration of Sir Robert Peel), in 1847, by Crawford again, and, in 1848, by Sir William Somerville (Irish Secretary under the Government of Lord John Russell), were all defeated. At length, in 1849, Parliament passed a Bill to which the landlords had no objection, and which the tenant party regarded with indifference, though not with hostility. This was the Encumbered Estates Act.

Hitherto, the tenants, through their representatives in Parliament, had asked the Legislature to compel the landlords to give them, on eviction, compensation for improvements. Now, the Government of Lord John Russell took upon itself to bring into being a new race of landlords, who would, it was hoped, make all improvements themselves; for it was recognized all round that the existing owners were too hopelessly encumbered to be of any use in this respect.[2] To this

[2] "In nine cases out of ten," Smith O'Brien wrote to the *Nation*,

end, the Encumbered Estates Act was passed. It provided, that, a Court of Commissioners should be established in Dublin with power, at discretion, to sell any encumbered estate on the petition of the owner or of any creditor of that estate, and to give to the purchaser an indefeasible parliamentary title.[3]

Much of the circumlocution which hampered the transfer of landed property in England was done away with, and, as the *Edinburgh Review* wrote, "a simple, short, and inexpensive mode of selling" was substituted instead.

Of this Act it may be said that in the abstract it was an excellent measure—very excellent, indeed, for encumbered Irish landlords. But, so far as the interests of the tenants were concerned, it did not touch the question of the land at all. Under its operation a considerable amount of property changed hands in Ireland. Between the 25th of October, 1849, when the Commissioners held their first sittings, and the 1st of August, 1850, 1085 petitions were presented, and some idea of the embarrassed condition of the Irish landowners may be gathered from the fact, that, out of this number there were only twelve cases in which proceedings for sale had not already been taken either in the Court of Chancery or the Court of Exchequer. The total rental of the property represented by the 1085 petitions amounted to 665,470*l.*, while the encumbrances reached the alarming figure of 12,400,348*l.*[4] Altogether, from October, 1849, to August, 1857, the number of purchasers, or new

on the 28th of November, 1846, "the Irish landlord is unable or unwilling to apply capital to the improvement of his estate."

[3] 12 and 13 Vic. cap. 77. Another Act had been passed in 1848, but it was deemed insufficient, and did not come into operation; hence the measure of 1849. The first Encumbered Estates Bill was introduced in 1847. Another Act—the Landed Estates Act—was subsequently passed enabling the Court to deal with unencumbered, as well as with encumbered estates.

[4] *Edinburgh Review*, January, 1851, article on "Lord Clarendon's Administration."

landlords, amounted to 7489, of which 7180 were natives of Ireland, and 309 Englishmen, Scotchmen, or foreigners. The total sum realized by these sales amounted to 20,475,956*l.*, of which 17,639,731*l.* was "Irish capital."[5]

So far, but no farther, the Encumbered Estates Act effected its purpose. It relieved the Irish landlords, who, if left to dispose of their estates through the ordinary legal channels, would have been completely swamped by the expenditure involved in the undertaking; but it did not ameliorate the condition of the Irish tenants, or bring about any change in the system of tenure. The new race of landlords were as bad as—some said worse than—the old. Rack-renting went on just as before. The ejectment system remained in full force, and its correlative, the outrage system, lost none of its terrors. Improvements continued, in the main, to be made by the tenants, and confiscated by the landlords. Ribbonism flourished, and the relation of the owners to the cultivators of the soil remained as unfriendly and strained as ever.

In a word, the Act, so far as it was designed to benefit the Irish tenant and to promote the agricultural improvement of the country, was a dead failure. And so much for the first concession to Ireland on the subject of the land.

[5] Sullivan, "New Ireland," sixth edition, p. 142.

BOOK VII.

THE IRISH REFORM ACT OF 1868.

PRIOR to the abolition of the forty-shilling freehold franchise in 1829, the county constituency of Ireland consisted of 200,000 voters, but by Sir Robert Peel's measure of disfranchisement[1] that constituency was reduced to 26,000 voters.[2]

In 1832, O'Connell, as we have already seen,[3] sought to re-enfranchise the forty-shilling freeholders, and, having failed in this attempt, endeavoured to reduce the 10*l.* freehold franchise—which had been established by Peel in 1829, and retained by Lord John Russell in the Irish Reform Bill—to a 5*l.* freehold franchise.[4] But the Government, believing that Peel's provision would create "a very extensive constituency," and accepting Stanley's opinion as to its probable operation, in preference to O'Connell's, refused to give way. What was the result? Twelve years after the passing of the Reform Act a Tory Ministry proposed the very reduction which O'Connell had suggested in 1832; and six years later a Whig Irish Secretary—Sir W. Somer-

[1] *Ante*, vol. i. p. 357.

[2] Mr. Leader. Hansard, vol. xiii. Third Series, pp. 580—583, 798—800; and *ante*, vol. i. p. 357. Earl St. Germains fixed the number at 35,000.—Hansard, Third Series, vol. cxi. p. 818.

[3] *Ante*, vol. i. p. 359.

[4] Ibid.

ville—felt himself constrained to use the following words respecting the franchise condemned by O'Connell as insufficient and illusory, but which the Government of the day had retained as adequate and effective: "The House will remember that by the Reform Act a 10*l.* franchise was conferred[5] on Ireland, and the general opinion at the time[6] of passing the measure was that under that franchise a very extensive constituency would be created in Ireland. This expectation has entirely failed."[7] The facts on which Sir William Somerville's statement was based are briefly these:—

In 1832, the registered county electors of Ireland were 52,000; the population of the country being (in 1831) 7,767,401. In 1847, the registered county electors were 61,000; the population being (in 1841) 8,196,597. In 1848, the registered county electors were 34,000; in 1849, the number fell to 27,000.[8]

The inadequacy and injustice of the Irish Reform Act will best be understood by showing the discrepancy in the number of electors in both countries which existed under its operation. On this subject the Marquess of Normanby said, in the House of Lords in 1844, "Your lordships are not aware of the extent of the inequality which prevails between the franchise in Ireland and England. If you take the population of Great Britain, including Wales, in round numbers, at 18,000,000, and the population of Ireland, in round numbers, at 8,000,000, you will find the proportion of the population between the two countries as $2\frac{1}{4}$ to 1; but the number of electors in England, Scotland, and Wales is 850,000, while the number of electors in Ireland is 100,000. There is therefore a proportion

[5] Not conferred, retained. The franchise had, as I have said, been conferred by Peel, in 1829.

[6] O'Connell and the Irish members excepted.

[7] Sir William Somerville. Hansard, Third Series, vol. cix. p. 273.

[8] These are Lord Stanley's figures. See Hansard, Third Series, vol. cxi. pp. 803, 804. We have no authentic statement of the population of Ireland between 1841 and 1851.

of $8\frac{1}{2}$ electors to 1 between the two countries, with a population of $2\frac{1}{4}$ to 1; and if you take the number of members it will be found as $5\frac{1}{2}$ to 1, with a population of $2\frac{1}{2}$ to 1."[9]

I shall give some instances of the "inequality" referred to by Lord Normanby. Thus:—

	Population in 1831.	Number of Electors in 1841.
Monmouthshire . .	85,000	4,347
Carlow . . .	72,000	1,723
Bedfordshire . .	88,424	4,434
Louth	94,203	989
Nottinghamshire . .	103,974	5,760
Kildare . . .	108,424	1,445
Berkshire . . .	114,362	5,755
Longford . . .	112,000	1,770
Cheshire . . .	260,462	12,811
Roscommon . . .	244,000	2,061
Somersetshire . .	327,000	18,415
Tyrone	393,000	2,862
Kent	379,267	15,725
Mayo	366,328	2,057
Yorkshire . . .	891,795	47,592
Cork	660,000	4,888[1]

This list might be enlarged, but it is not necessary. Suffice it to say, in less than ten years after the passing of the Reform Act, both parties in the State came to the conclusion that something must be done to secure a fairer representation for Ireland. Lord Stanley was of opinion that an amendment of the law of registration would be sufficient, and in 1840 he introduced a Bill, which proved abortive, for this purpose; but Lord Morpeth felt that nothing short of an extension of the franchise would meet the exigencies of the case, and accordingly, in 1841, he presented to the House of Commons what was practically a new Irish Reform Bill. By this measure, to put the matter briefly, it was proposed to confer the franchise on every occupier of land who was rated at 5*l.* net annual

[9] Hansard, Third Series, vol. lxxii. pp. 629, 630.

[1] Lord Morpeth. Hansard, Third Series, vol. lvi. p. 289.

value, and who had been in possession of his holding for fourteen years.

On the 4th of February, the Bill was read a first time, without opposition; but, on the motion for the second reading, on the 22nd of the same month, Lord Stanley moved its rejection, and a debate, which lasted for four days, ensued. The Irish Ascendency Members, it is needless to state, stood by Stanley, while O'Connell and his followers supported the Government. Mr. Litton declared that the measure was preposterous, and that Ministers had no intention of passing it. Mr. Young said it would "unsettle all the arrangements of the Reform Act," and "alter even the Emancipation Act." Lefroy denounced the proceedings of the Government as "disgraceful," and Sergeant Jackson—the hero of a hundred fights—"contended that every member of Parliament attached to the monarchial constitution of England, as opposed to the democratical principles which were now abroad, and daily gathering strength, was called upon to resist this measure to the utmost, and to lend his aid in throwing it out on the second reading."

Upon the other hand, O'Connell appealed to the Ascendency Members to have confidence in their fellow-countrymen, and to support their just claims; and he warned the Tory party that the opportunity of settling the Irish question on a basis consistent with the maintenance of the English connection in the island was fast passing away. But he spoke to deaf ears. English Tories and Irish Orangemen believed that there was only one way of governing Ireland—viz. by keeping the vast majority of her people in a state of helpless servitude; and they considered, rightly enough, that every extension of the franchise tended to defeat this supreme object. Therefore, they rallied to the cry of "No surrender," and flocked into the lobby with Stanley, when, on the 25th of February, the House divided on the second reading. The result of the division was:—

For the second reading	299
Against	294
Majority for Ministers . .	5 [2]

Lord John Russell, finding that the second reading was carried by so narrow a majority, resolved to make some concessions to the Tories, in the hope of securing the passage of the Bill, and with this view he proposed in Committee to substitute an 8*l.* for a 5*l.* franchise. But, in taking this new departure the Minister fell foul of O'Connell, as, in similar circumstances, he, ten years later, fell foul of Mr. Bright.[3]

The Irish leader, adopting then much the same tone as was subsequently assumed by the great English orator, urged the Whig chief to stand to his guns, and not to waste his energies in the hopeless task of attempting to conciliate a naturally irreconcilable foe. Hume took the same line as O'Connell, and both forced a division on the question of a 5*l.* as against an 8*l.* franchise. But, the wily Whig chief was for the moment successful in his tactics, contriving to carry with him into the division lobby Peel and Stanley, and their followers, and even Sergeant Jackson and his. The result of the division was as follows—

For the retention of the 5*l.* franchise (moved by Hume)	126
Against	434
Majority for Ministers . .	308 [4]

[2] Hansard, Third Series, vol. lvi. p. 1126

[3] *Post*, p. 165.

[4] The minority was composed as follows :—Aglionby, Armstrong, Baines, Bannerman, Barry, Beamish, M. J. Blake, M. Blake, Blewett, Bodkin, Bridgeman, Brotherton, Browne, Buller, Busfield, Callaghan, Carew, Childers, Collins, Corbally, Currie, D'Ancourt, Dashwood, Dennistoun, Disraeli, Divett, Duke, Viscount Duncan, Duncombe, C. W. D. Dundas, the Hon. J. C. Dundas, D. Dundas, Capt. Ellice, E. Ellice, Elliot, W. Ellis, Sir D. L. Evans, G. Evans, W. Ewart, Fenton, Ferguson, Fielden, Fleetwood, Gillon, Gisborne, Grate, Gratton, Hall, Hanley, Hastel, Hawes, Heron, Lord A. M. C. Hill,

Defeated in this division, O'Connell and the English Radicals insisted on the adjournment of the debate, which was opposed by Lord John Russell with—a division having been pressed—the following result:—

For the adjournment (moved by Brotherton)	98
Against	428
Majority for Ministers . .	330[5]

Despite this division O'Connell still pressed for an adjournment, and Lord John Russell finally gave way.

On the 29th of April, the Committee was resumed, and O'Connell once more struggled against the substitution of the 8*l.* for the 5*l.* franchise, but in vain. Having forced the House again to a division on the question,

Hindley, Hodges, F. J. Howard, Hon. C. W. G. Howard, Hutchings, Hutton, Jervis, Johnson, Langdall, Leader, Lister, C. Lushington. S. Lushington, Lynch, Macnamara, Marsland, J. Martin, J. B. Martin, Viscount Milton, Molesworth, Muntz, Muskett, Nagle, C. O'Brien, W. S. O'Brien, O'Callaghan, O'Connell, J. O'Connell, M. J. O'Connell, M. O'Connell, O'Conor Don, Oswald, Paget, Pattison, Pease, Pechell, Philips, Ponsonby, Power, Protheroe, Rippon, G. B. Roche, W. Roche, Rundle, Salwey, Scholefield, Seale, J. A. Smith, B. Smith, Stansfield, Steuart, Stewart, Stock, Strickland, Stuart, Talbut, Tancred, Thornley, Villiers, Vivian, Wakley, Wallace, Warburton, Ward, Westenra, A. Westley, White, S. White, Williams, Wilshere, Wood, Yates. Tellers, Hector, Hume.—Hansard, Third Series, vol. lvii. pp. 1231, 1232.

[5] The minority was composed of the following members:—Viscount Acheson, Aglionby, Baines, Beamish, Bowes, Bridgeman, Browne, Bryan, Buller, Busfield, Col. Butler, Callaghan, Chalmers, Viscount Clements, Collins, Corbally, Craig, D'Eyncourt, Dennistoun, Viscount Duncan, Duncombe, Easthope, Sir J. Edwards, Capt. Ellice, G. Ellice, Ellis, Sir De Lacy Evans, G. Evans, W. Evans, Ewart, Fenton, Col. Ferguson, Fielden, Gillon, Gisborne, Greig, Sir C. Grey, Hastie, Hawes, Hawkins, Hector, Lord Hill, Hodges, Howard, Hume, Hutchings, Hutton, Jervis, Johnson, Langdall, C. Lushington, S. Lushington, Lynch, Marsland, St. Mildmay, Murray, Sir R. Nagle, O'Connell, J. O'Connell, M. J. O'Connell, M. O'Connell, Ord, Oswald, Peace, Philips, Phillpotts, Power, Protheroe, Redington, Rippon, Roche, Salway, J. A. Smith, B. Smith, Steuart, Street, C. R. M. Talbot, J. H. Talbot, Thornley, C. P. Villiers, Major Vivian, Wakley, Walker, Wallace, Ward, Westenra, A. White, S. White, Wilbraham, Williams, Wood, Lord Worsley, Yates. Tellers, Brotherton, Hindley. —Hansard, Third Series, vol. lvii. p. 1232.

the former franchise was accepted by a majority of 300 against 289.[6]

But the Bill did not reach another stage. The Melbourne Ministry fell in June, 1841, and with it all hopes of a speedy settlement of the Franchise question in Ireland disappeared.

In 1844, the question was revived by the Government of Sir Robert Peel, when Lord Elliot, Chief Secretary for Ireland, introduced a Bill conferring the franchise on 5*l.* freeholders. This Bill was read a first time on the 1st of April, but on the 28th of June Sir Robert Peel, in reply to a question of Lord Howick, said that "in the present state of public business" he did not intend to proceed further with it.

In 1848, the subject was once more revived by the Government of Lord John Russell, and a Bill creating an 8*l.* rating, "totally unconnected with any tenure," and a 5*l.* freehold franchise in counties, introduced. This Bill was read a first time on the 1st of May, and then dropped.

In 1849, the subject was again taken up, and the Bill of the previous year, *plus* a clause fixing the franchise at an 8*l.* rating in boroughs as well as counties, reintroduced. But the measure died stillborn.

At length, in 1850, the question was tackled with more earnestness, and pressed to a more definite issue.

On the 11th of February in that year, Sir William Somerville, Irish Secretary, brought forward, for the third time, the Bill of 1848. It was read a first time without opposition on the day of its introduction, and a second time without a division—though not without some indications of the disgraceful proceedings which were destined to mark its progress in Committee—on the 22nd of the same month. Mr. Napier on that occasion declared that an 8*l.* rating franchise in counties would be as bad as the old 40*s.* franchise, and Captain Taylor and the whole Ascendency faction shared his

[6] Hansard, Third Series, vol. lvii. p. 1274.

views, but no resolute attempt was made to defeat the measure at this stage. However, on the 25th of February, a greater man than Napier, or Taylor, and one who in his heart must have thoroughly despised the Orange gang whom they represented, did not deem it unworthy of his genius and fame to place himself at the head of what Mr. Bernal Osborne well and justly described (quoting his own words) as "an organized hypocrisy,"[7] for the mere purpose of harassing the Government and gaining a miserable party triumph. This man was Mr. Disraeli. We have heard a great deal of late years about obstruction, but I think that the action of Mr. Disraeli, and his friends, in resisting the Franchise Bill of 1850 were on a par with almost any of the tactics for which the Irish Parliamentary party of the present day are responsible. But my readers shall judge for themselves.

On the 25th of February, the question having been proposed, "That Mr. Speaker do now leave the chair," Mr. Disraeli rose to move the postponement of the Committee until the "Irish assizes were over," in order that a full attendance of Irish members might be secured. Viscount Castlereagh (Co. Down), Lord C. Hamilton (Co. Tyrone), and Mr. Napier (Dublin University), supported the Tory chief; while Hume (Montrose), John Sadler (Carlow Borough), Mr. Scully (Co. Tipperary), John Reynolds (Dublin City), and Colonel Rawdon (Armagh City), protested against the motion. The Bill, they said, had been before Parliament for three years; and its provisions were well-known and understood. It was ridiculous, John Reynolds in particular insisted, to ask the House to wait until the Irish landlords had returned from "perpetrating jobs in their respective counties" before proceeding with a measure of urgent importance. There were, he urged, seventy Irish members, out of a total of 105, in London—quite a sufficient number to

[7] Hansard, Third Series, vol. cviii. p. 1358.

deal with a subject so familiar to every one as the Irish franchise.

Sir W. Somerville took the same view, and appealed to Mr. Disraeli to give way, but the champion, for the nonce, of the Ascendency, would not yield an inch of ground, and pressed the House to a division with the following result:—

For the postponement of the Bill . .	115
Against	185
Majority for Ministers . .	70[8]

But the struggle was not yet over. Immediately after the division Mr. Disraeli rose again to "resist a tyrant majority," and to offer a determined opposition to the progress of the Bill. Lord John Russell followed, declaring, in a short and vigorous speech, his intention, despite the obstruction of the hon. member for Buckinghamshire, to go into Committee that night. Viscount Castlereagh again stood by Disraeli, and John Reynolds supported the Ministers in a brief and humorous oration. The House then divided on the main question, "That the Speaker do now leave the chair"—

For the motion	193
Against	93
Majority for Ministers . .	100[9]

Not in the least affected by this defeat, and by the increased majority for Ministers, Mr. Disraeli persevered in his obstructive tactics, boldly asserting that it was the duty of every Member of the House to "obstruct all measures injurious to the Constitution and the country," and moving "That the Chairman do now report progress, and ask leave to sit again." Lord John Russell, without occupying any time in discussing the motion, at once asked the Committee to divide upon it; result:—

[8] Hansard, Third Series, vol. cviii. p. 1341.
[9] Ibid. p. 1346.

For the motion	191
Against	81
Majority	110[1]

Mr. Disraeli was now relieved in the work of obstruction by Mr. Forbes, member for Stirlingshire, who, feeling that the Ministerial measure could not be "beneficial to Ireland," considered it his duty to "persist in moving," "That the Chairman do now leave the chair."

Mr. Bateson, the true Blue representative of the County Londonderry, gave his hearty support to this motion, protesting against the "indecent haste" with which the Government was endeavouring to "smuggle the Bill through the House." Lord C. Hamilton followed in the same line, saying that "from the animated cheers which had resounded in the House [after the last division]" it was clear that hon. members "were not in a sufficiently calm state of mind to go into Committee;" and Napier, Grogan (Dublin City), Lord John Manners, Mr. Newdegate, and Col. Chatterton (Cork City), swelled the tide of opposition. Ministers were vigorously supported by Mr. Bright, who, in an impressive speech, urged Lord John Russell "to stand by his measure;" and by Mr. Chisholm Anstey, who appealed to the Tories "not to wear the appearance, as they repudiated the intention of factious opposition." But, the Tories declined to yield to friendly entreaties, or to be convinced by reasonable argument, and insisted in again dividing the House on the question, "That the Chairman do now report progress." Ministers, however, were once more successful, the motion being negatived by a majority of 155 to 63.[2]

Mr. Adderley (Staffordshire), supported in lengthy speeches by Col. Sibthorpe, Lord C. Hamilton, and Mr. Disraeli himself, now came to the front to move

[1] Hansard, Third Series, vol. cviii. p. 1350.
[2] Ibid. p. 1369.

"That the Chairman do leave the chair." Again the House divided, and again Ministers were successful, this time, by a majority of 184 to 114. But the end was not yet. Captain Taylor next took the initiative, moving "That the Chairman do now report progress," and "repudiating the idea that Members at his side of the House were actuated by factious motives in the course they were pursuing." Quite the contrary. They were influenced by the highest considerations of public duty, and bent only on serving the interests of the Empire and of Ireland. Being so bent and influenced, they were resolved to fight to the last, and accordingly Captain Taylor asked the House to divide once more, which the House did, with the following result:—

For Taylor's motion	70
Against	185
Majority for Ministers . .	115[4]

Notwithstanding this overwhelming majority against them, the Obstructives still continued the contest, Sir J. B. Walsh, member for Radnorshire, now leading the van, and Lord C. Hamilton, with characteristic energy, placing himself in the thickest of the fray. At half-past eleven o'clock, the Committee, which had been moved for at five o'clock, was asked again to divide on the question, "That the Chairman do now leave the chair," and a division being taken it was found that Ministers had scored another decisive triumph. Thus:—

For the motion	75
Against	194
Majority for Ministers .	119[5]

But Lord John Russell, wearied out by this persistent opposition, at length gave way, consenting to the

[3] Hansard, Third Series, vol. cviii. p. 1380.
[4] Ibid. p. 1381. [5] Ibid. p. 1386.

postponement of the Committee stage of the Bill until the 1st of March.

Then the work of obstruction and opposition was renewed. The principal fight took place over an amendment of Mr. Hamilton, member for Dublin University, proposing to substitute a 15*l.* for an 8*l.* county franchise. But Ministers were again successful, and Hamilton's motion was rejected by a majority of 213 against 144.[6]

On the 4th of March, John Reynolds, representing the advanced Irish Liberals of that day, as Hamilton represented the Ascendency, moved the substitution of a 5*l.* for an 8*l.* county franchise; but Ministers were again successful, Reynolds' amendment being negatived by a majority of 142 to 90.[7]

On the order for the third reading, on the 10th of May, a motion by Sir J. B. Walsh for the rejection of the Bill, was defeated by a majority of 254 to 186.[8]

On the 6th of June, the second reading was carried in the Lords without opposition; but on going into Committee on the 1st of July, the Earl of Desart moved that in counties the franchise should be raised to 15*l.*, and this amendment was carried by a majority of 72 to 50.[1] So altered, the Bill passed the Upper House on the 12th of July.

On the 26th, Russell gave notice in the Commons of his intention to meet the Lords half-way, and to accept a 12*l.* franchise, instead of the one originally proposed, for counties, and an 8*l.* franchise for the boroughs —a statement which drew from Mr. Disraeli a declaration of "regret that a more conciliatory spirit had not been shown by her Majesty's Government." "I think it right to say," continued the Tory leader, "that my friends on this side of the House feel it their duty to oppose the alteration which the noble lord has

[6] Hansard, Third Series, vol. cix. p. 287.
[7] Ibid. p. 352. [8] Ibid. vol. cx. p. 1869.
[1] Ibid. vol. cxii. p. 776.

declared will be made in the Irish Franchise Bill as it has been returned to them from the other House." Russell replied: "Perhaps the House will allow me to make a few remarks on what has fallen from the hon. gentleman. The proposal I shall have to make with respect to the Irish Franchise Bill is certainly liable to observation and censure on the ground that it is too great a departure from the original principle of the Bill; and when I say that, for the sake of obtaining the assent of Parliament to the Bill, I consent to an alteration of the Franchise from 8*l.* to 12*l.*, the want of a conciliatory spirit is, I must say, the last charge the hon. gentleman could fairly make against us."[2]

On the 30th of July, Russell's amendment to the Lords' amendment came on for discussion. Upon this occasion the Minister pointed out that as the franchise then stood in the three kingdoms, 28 per cent. of the male adult population of Great Britain had votes, while in Ireland the percentage was less than 2; and he showed that the effect of the Lords' proposal would be to allow Ireland only 144,263 electors, or 8 per cent. of the adult male population, instead of 264,180, or 15 per cent., as originally designed by the Bill. As a most reasonable compromise on his part, he begged the House to agree to a 12*l.* franchise, which would give Ireland 172,072 voters, or 10 per cent. of the adult male population of the island.[3] But Mr. Milnes Gaskell, member for Wenlock, did not think the "compromise" reasonable at all, and accordingly moved its rejection. Then Mr. Bright followed in one of those powerful appeals which he was never weary of addressing to the Imperial Parliament in behalf of the Irish people, but which that assembly so long and so calamitously neglected. He said:—

This Bill, as it appears to me, is the measure of the session.

[2] Hansard, Third Series, vol. cxxxiii. p. 399.
[3] Ibid. vol. cxxxiii. pp. 534, 535.

We are about to separate without any measure of public importance being passed besides this measure, and it must be admitted that the Government have a very sorry account to render to the country for the time which has been taken up by Parliament during the past six months. No man, I presume, is of opinion that the Government grappled with the question of the Irish representation before it was absolutely necessary to do so. They found the representation of Ireland virtually extinguished. They found eight millions of people living under a constitution of which nobody in this House or in the country boasts so much as the noble lord at the head of the Government, and yet having literally no representation whatever. We have had an illustration of the condition of affairs in Ireland within the last week. A gentleman said to have marvellous talents, and whose principles are on the other side of the House acknowledged to be very sound, went down to a great county in the west of Ireland, a county that at the time of the last census had a population not far, if at all, short of 400,000 persons. After all the landlords of every party had clubbed together to help him he managed to poll ninety-two votes, while the gentleman who was opposed to him on the popular side, having all the priests in his favour, which is not a small thing, I take it, at an election for an Irish county; and we have to thank you [addressing the Opposition] for that, if there be anything wrong in it. This gentleman, I say, who was cheered and shouted by almost the whole population of the county, polled about 140 votes. If we heard of any representation of that kind in Austria or Prussia, or in any country in the world but this, is there a man in England who would not say that it was a farce and a sham, and that the people by whom it was possessed were living under a government which was an absolute despotism or something even worse. Now the noble lord, finding Ireland in this state, came down to the House with a proposition at the commencement of the session; not indeed then for the first time, for there have been propositions of the same kind for three or four sessions. I thought when the noble lord had got on his side of the table that he was about to do something handsome in fulfilment of the promises which he had made on the other side. He brought in a measure by which 264,000 votes were nominally to be given to the counties of Ireland; 264,000 was, however, very much more than the real number. That would be the number if every occupier were placed on the register, but there are the cases of widows and many other cases in which the parties occupying could not appear on the register.

The number would probably be brought down, speaking within the mark, more than 10, or perhaps 20 per cent.

Lord John Russell,—That is not the fact.

Mr. Bright,—Perhaps the noble lord may have made the necessary allowances; but be this as it may, a difference of ten or twenty thousand is of no great importance to my argument. The noble lord's proposition was that 264,000 persons should be enfranchised in the counties of Ireland. . . . The noble lord defended the 8*l.* franchise in this House in a manner which to me was perfectly satisfactory. I objected, as did many other members, to the having an 8*l.* franchise for boroughs. But what was said on these benches? I am not apt to be deluded by statements made from the bench below, but it was said that an 8*l.* franchise for the counties would be a capital thing; and although the proposal of such a franchise for the boroughs might be a mistake, it would be avoided if the thing had to be done over again. Yet we must not grumble because we did not get everything in one session, and an expectation was held out that by-and-by, when the suffrage came to be extended in England, there would be no difficulty in reducing the 8*l.* borough franchise to 5*l.*, should it then be thought desirable to do so. Well now, with all those statements, we felt somewhat satisfied that the noble lord at least meant to stand by, and to carry through Parliament what he had proposed. How, then, has he acted? The noble lord, be it remembered, is at the head of the Government, and it would not do for him to say that he has not voted as the Marquess of Lansdowne has in the other House. Although I have not the exact words before me, I believe I shall be supported by the recollection of hon. members when I say that the conduct of the Government in the other House has not only been directly contrary to its conduct in this House, but that it affords the greatest reason for believing that when the noble lord and his colleagues proposed the 8*l.* franchise in this House it was not intended that that franchise should be passed, but that it should be raised to some other amount. . . . Now what is it that the House of Lords have done? They have cut down the 264,000 electors to something like 140,000, imitating the Government of Paris in reducing by one-half the franchise of the people of France. The noble lord will not accept a 15*l.*, but he proposes a half-way house between 8*l.* and 15*l.*, giving to the other House an advantage in the division. He proposes 12*l.*, which will leave, if I understand him rightly, about 170,000 electors. The noble lord himself proposes to sweep away one-third of the number he advocated a few months ago.

Mr. Bright then called attention to the number of votes by which the 8*l.* franchise was carried through the Commons and rejected in the Lords, and continued:—

With regard to this Bill I believe the greatest and safest policy towards Ireland is the most generous policy. You have tried the other policy for centuries, and there is not a spectacle in the world so humiliating to a government as the spectacle of Ireland is to our own. You have tried to govern through the landlords of Ireland, through what you call the territorial system. Your government has lamentably failed; it has made that island a scene of anarchy. Your proprietors are, for the most part, ruined; your people have been starved off and have emigrated by hundreds of thousands. . . . Irishmen are like other men; they may be controlled and guided and governed by kindness, generosity, and justice. Do you wish that the representatives of Ireland should be the representatives of its territorial proprietors only, and are you afraid to have in your House one hundred gentlemen who represent the great mass of the occupying tenantry? If we had a hundred representatives of this kind, even if we did not legislate in all things as they desire, still they would feel that their voice was heard in the Imperial Parliament, and, comparing their position with Lancashire, Yorkshire, and Devonshire, they would feel that their countrymen were treated by the Imperial Legislature with the same justice as the great mass of the population of England and Scotland. If the noble lord had dealt with this question manfully and wisely and generously he would have done much to assuage the feeling of hostility in Ireland towards this country, and would have obtained ample leisure to adjust in the next session of Parliament those questions of a social, as well as those of an ecclesiastical character which must come on for settlement ere long, either under the Government of the noble lord or under that of those who shall succeed him.

Again expressing his regret that Lord John Russell did not stand by the measure as originally proposed, and saying that though he might find himself obliged to vote in favour of the 12*l.* franchise, he would do so on the understanding that it was not to be a "final settlement," Mr. Bright concluded thus:—

I repeat my conviction that the true policy for Ireland is a liberal and generous policy; and let me add that if you wish to withdraw the people from the influence of those who mislead

them, if such there be, you should endeavour by adopting such a policy to create in them faith, hope, and trust in the impartiality of the Imperial Parliament.[4]

Wise counsels, destined so often to be repeated, and so often to be despised. Nearly twenty years were yet to pass before any serious effort was made to "adjust those social and ecclesiastical questions" which Mr. Bright, standing alone among English statesmen, now warned Ministers had, sooner or later, to be faced; twenty years before any one, possessing the confidence of the masses of the English people, ventured "to adopt a policy" calculated "to create in the minds of the Irish nation faith, hope, and trust in the impartiality of the Imperial Parliament."

Russell, having expressed a determination to stand by his amendment rather than the Bill as originally framed, the House divided on the motion:—

For a 12*l.* franchise	213
For a 15*l.* „	91
Majority for Ministers . .	122[5]

Thus amended, the measure was finally accepted by the Lords and passed,[6] its effect being to confer on the Irish people three new franchises, viz:—

(1) A 12*l.* rating occupation franchise, counties;
(2) A 5*l.* freehold franchise, counties; and
(3) An 8*l.* rating occupation franchise, boroughs.

These franchises resulted in increasing the number of county voters from 27,000 in 1850 to 174,000 in 1866, while, however, the number of borough voters fell from 40,000 in 1850 to 30,700 in 1866.[7]

[4] Hansard, Third Series, vol. cxiii. pp. 551—559.
[5] Ibid. p. 574. The minority was made up of English Tories and Irish Ascendency Members.
[6] 13 and 14 Vic. cap. 69.
[7] The Earl of Mayo. Hansard, Third Series, vol. cxc. p. 1940. The Earl of Mayo fixed the number of county voters before 1850 at 31,000, but I adhere to Lord Derby's figure. *Ante*, p. 154.

From 1850 to 1866 the subject of the franchise in Ireland was allowed, practically, to rest.[8] In the latter year, however, an Irish Reform Bill was introduced by the Government of Earl Russell, proposing to lower the franchise in the boroughs from an 8*l.* to a 6*l.* rating occupation, but allowing the franchise in the counties to remain untouched.[9] This measure was received with little favour by the Irish Ascendency Members, who described it as "extraordinary"[1] and "unintelligible,"[2] and was ultimately withdrawn. But the education of the Irish Ascendency, as well as of the English Tories, was now taken in hand by Mr. Disraeli, who succeeded in inducing his followers to accept a more "extraordinary," though not a more "intelligible" Bill. This was the well-known measure of Parliamentary Reform brought forward in 1868, and by which the franchise in boroughs was lowered, not from 8*l.* to 6*l.*, as proposed by the Whigs in 1866, but from 8*l.* to 4*l.*, while in counties no alterations were made. A lodger franchise of 10*l.* annual value was also created.

This Bill gave as little satisfaction to the Irish popular representatives as its predecessor had given to their Ascendency fellow-countrymen. They declared that 12*l.* was too high a limit at which to fix the franchise in counties, and strongly resented the application to Irish boroughs of a 4*l.* rating franchise, while household suffrage was to be conferred on the same constituencies in England. Mr. Chichester Fortescue reminded the House that "so long ago as eighteen years" Lord John Russell had proposed an 8*l.* franchise for Irish counties, and he urged Ministers to accept the same standard now.[3]

[8] An effort was made in 1852 to deal with the question of Parliamentary Reform in the three kingdoms, but it failed.

[9] Mr. Chichester Fortescue's speech. Hansard, vol. clxxxiii p. 530.

[1] Sir Hugh Cairns. Ibid. p. 534.

[2] Mr. Whiteside. Ibid. p. 537.

[3] Hansard, Third Series, vol. cxci. p. 1950.

Colonel French, Member for Roscommon County, protested against an arrangement by which not one vote was to be added to the Irish county constituencies, while 170,000 votes were to be added to the English—by which only 9000 votes were to be added to the Irish borough constituencies, while 400,000 were to be added to the English.[4] Mr. Gladstone supported the Irish Liberals, quoting the following words used by Peel in 1850:—"I am one of those who are in favour of an extensive franchise, and if I had had the opportunity of giving my vote on a former occasion I should have given it in favour of 8*l.* as against 15*l.*"[5] But, Mr. Disraeli did not share the views of Sir R. Peel, or if he did, he refused to act upon them; for a proposal made by Colonel French to reduce the franchise in counties from 12*l.* to 8*l.* was opposed by the Government, and negatived by a majority of 241 to 205.[6] The Bill then passed quickly through both Houses, without undergoing any material alteration, and received the royal assent on the 13th of July.[7]

I have only to add, with reference to this subject of the franchise, that under the operation of the Act of 1868 the number of electors in the counties fell from 174,000 to 165,997, while the number in the boroughs rose from 30,700 to 58,021;[8] that in 1872 vote by ballot became the law of the land; and that, finally, in 1885 all inequalities in the franchises between England and Ireland were swept away, and household suffrage was established in counties and boroughs throughout the whole kingdom.

[4] Hansard, vol. cxci. p. 1952.
[5] Ibid, vol. cxcii. p. 1800.
[6] Ibid. p. 1801.
[7] 31 and 32 Vic. cap. 49.
[8] "Statesman's Year Book," 1884, p. 205.

BOOK VIII.

THE IRISH CHURCH ACT, 1869.

CHAPTER I.

THE "IRISH CHURCH."

WHETHER the Tithe Commutation Act of 1838[1] was or was not of any benefit to the Irish people may be open to question, but there can be no doubt that it was of great benefit to the Irish Established Church. It averted the downfall of that institution for thirty years, saved it in the interval from popular hostility, and, by divesting the parson, in the minds of the peasantry, of his odious character of tithe-gatherer, helped to assuage many a feeling of bitterness and anger, which the existence of the Establishment would have otherwise provoked and perpetuated.

But, in safeguarding the interests of the Church, Lord Melbourne, without intending it, dealt a weighty blow at those of the landed proprietary. This result was foreseen at the time by the Irish popular leaders, but not by the Ascendency.

Sheil warned the landlords that in stepping forward to stand between the clergy and the people, they were digging their own graves. Never was prophecy more true. The measure, which made peace

[1] *Ante*, vol. i. Book iii.

between parson and peasant, intensified the feud between landlord and tenant. The one retired from the conflict, and the other remained to bear the brunt of the battle. The unpopularity which, prior to 1838, was shared by the former, attached, from that time forward, to the latter only. "One-fourth of the whole value of the tithes of the country," said Mr. Gladstone in 1865, "was given to the landlords by an Act passed in 1838, under the plea of a consideration for collection, but, in fact, as an important political expedient for the purpose of inducing them to place themselves between the people on the one side, and the Protestant clergy on the other;"[2] and severely, it must be allowed, have the landlords suffered for accepting this bribe to espouse the cause of the Church against that of the nation.

How it came to pass that the Tithe Commutation Act should have produced a result so unlooked for and so undesired is easily explained. The measure was popularly regarded as a swindle by which the peasants were cheated, and the landlords served. Tithes, it was said, were still paid by Popish tenants in the shape of rent; and the landlords were held responsible for the fraud. They, it was believed—though whether on sufficient or insufficient grounds I am not in a position to prove—acted, practically, as collectors for the parsons, paying the impost, in the first instance, out of their own pockets, but ultimately adding the amount to the rent, and, in this wise, recouping themselves for the original outlay. Thus, they appeared before the public in the two-fold guise of rack-rentors and tithe-proctors. So it was that the current of popular hostility which, in the days of the Tithe War, was diverted towards the clergy, afterwards ran with concentrated force against the landlords; and, in the result, the question of Church Reform was relegated to the background, and that

[2] Hansard, Third Series, vol. clxxviii. p. 423.

of the Land advanced to the foremost place in the public mind.

It has often been said, that, after the passing of Lord Melbourne's measure of relief, the Irish State Church became simply a "sentimental grievance;" and I think the statement contains a certain element of truth. There can, at least, be no doubt that the Establishment never, since 1838, pressed directly upon the masses with anything like the weight of material hardship which rendered the overthrow of the Irish Land System, as it existed prior to 1881, a very necessity of life. But, those who think that the Irish State Church ought not to have been abolished, because it was "only a sentimental grievance," must have a very strange notion of the consequences which popular discontents, founded on matters of sentiment, produce, and must, besides, be sadly wanting in an enlightened appreciation of the fitness of things, and the claims of abstract justice. However, as there are few persons now—I do not know that there are any—who would advocate the re-establishment by law of the Protestant Episcopalian Church in Ireland, on the ground, that, its existence would entail no material hardships on the Irish people, I need not trouble myself, or my readers by discussing the point. Indeed, the whole question of the "Irish Church" belongs so completely to the past, that it would be a pity to run the risk of reviving, even in an academical sense, an unpleasant controversy. *De mortuis nil nisi bonum*, is a maxim which ought, I think, to be strictly acted upon in relation to this subject,—the more so as in its lifetime, the Establishment was treated to very bad language, and called very hard names. "The foulest practical abuse that ever existed in any country;" "the most utterly absurd, and indefensible of all the institutions in the civilized world;" "opposed alike to justice, to policy, and to religious principle;" "one of the most mischievous institutions in existence;" "unjustifiable and indefensi-

ble;" "an anomaly, and a grievance;" "wholesale robbery;" "a monstrosity,"—these were the epithets showered upon it by such men as Lord Brougham, Lord Macaulay, Lord Grey, Lord Campbell, Sir George Grey, Lord John Russell, Burke, and even by so mild a politician as Mr. Chichester Fortescue. But, I do not desire, in dealing with the question, to draw upon the vocabulary of abuse, or to indulge in ill-natured commentaries. I prefer to speak of the institution in the good-humoured style of Sydney Smith, and to say, once for all, "there [was] nothing like it in Europe, in Asia, in the discovered parts of Africa, or in all we have heard of Timbuctoo."

The Protestant Episcopalian Church in Ireland was founded, according to some authorities, by St. Patrick, and, according to others, by the Tudor family. Respecting the first theory, I do not feel myself competent to deal with a subject of such archæological obscurity, nor is it necessary to my present purpose, that, I should attempt the task. The late Lord Beaconsfield was a very courageous man, but when called upon by his Orange allies in the House of Commons to defend this theory, he shrank from the ordeal. "Sir" he said, "I will not go into the question of the origin of the Irish Church. I hope that nothing shall induce me to enter into a controversy, as to whether St. Patrick was a Protestant or not."[3] Upon another occasion, Mr. John Reynolds, sometime M.P. for Dublin, and a "bit of a wit," observed, in allusion to this argument, and quoting a well-known Irish song, "We have all heard that 'St. Patrick was a gentleman,' and it has even been said that he 'came of decent people,' but this is the first time I heard he was a Protestant." Possibly most people will think that, for practical purposes, Lord Beaconsfield, and even Mr. Reynolds, dealt wisely with this troublesome

[3] Hansard, Third Series, vol. cxci. p. 907.

topic. Indeed, it is difficult to reflect on the Ascendency theory without being forcibly reminded of the very excellent advice given by Lord Chesterfield to his son. "My dear boy," he said, "there are some things which, though strictly true, are yet so much in excess of human credulity, that the very mention of them exposes one's general veracity to doubt."

However, whether St. Patrick was, or was not, the founder of the Irish State Church, one point is clear, viz., that the Establishment to whose existence Mr. Gladstone put an end in 1869 had so completely lost the features of its alleged original, that unsophisticated persons may well be excused for failing to see the likeness. For instance, Dr. Todd, a Protestant authority, says, referring to the Church unquestionably planted by St. Patrick: "It was not looked upon as coming from foreigners, or as representing the manners and civilization of a foreign nation. . . . It was a national institution. . . . Its priests and bishops, the successors of St. Patrick in their missionary labours, were many of them descendants of the ancient kings and chieftains so venerated by a clannish people. . . . By his judicious management the Christianity which he founded became self-supporting. It was endowed by the chieftains, without any foreign aid. It was supplied with priests and prelates by the people themselves, and its fruits were soon seen in that wonderful stream of zealous missionaries, the glory of the Irish Church, who went forth in the sixth and seventh centuries to evangelize the barbarians of Central Europe."[4] Such were the distinguishing marks of St. Patrick's Church; but the most microscopic inspection would fail to discover a single one of them in the Church of the Irish Ascendency. More remarkable still, almost the whole of them are to be found in the "Italian Church"[5] (as the Catholic Church of Ireland was sometimes

[4] Dr. Todd, "Life of St. Patrick," pp. 514, 515.

[5] This was a favourite expression of, I think, Dr. Mant, and Dr. Cooke.

called by its enemies), to which the people obstinately clung. It was "self-supporting" and "national." It "was not looked upon as coming from foreigners." It received no foreign aid," and it "was supplied with priests and prelates by the people themselves." Indeed, in this latter respect, the contrast between the "Irish Church" and the "Italian" is marvellous.

Here is a list of the bishops appointed by both Churches to the two principal sees in the country for the last 300 years. Let the reader judge which was the "Irish," and which the "foreign" hierarchy.

ARMAGH ARCHBISHOPRICS.

"Italian Church."		"Irish Church."	
Suc.	Died or Translated.	Suc.	Died or Translated.
1560—	1563, Donat O'Teig, Irish.	1563—	1567, Adam Loftus, English.
1564—	1585, Richard Creagh, Irish.	1568—	1584, John Lancaster, English.
[Vacancy for 1 year and 9 months.]		1584—	1589, John Long, English.
1587—	1593, E. MacGauran, Irish (killed in battle).	1589—	1595, J. Garvey, Irish.
[Vacancy for 8 years.]		1595—	1613, H. Usher, Irish.
1601—	1625, Peter Lombard, Irish.	1613—	1625, C. Hampton, English.
1626,	Hugh McCaghwell, Irish.	1625—	1655, James Usher, Irish.
1627—	1651, Hugh O'Reilly, Irish.	[Vacancy 6 years.]	
[Vacancy 3 years.]		1661—	1663, J. Bramhall, English.
1654—	1669, E. O'Reilly.	1663—	1678, J. Margetson, English.
1669—	1681, O'Plunket, Irish (hanged at Tyburn).	1678—	1702, M. Boyle, Irish.
1681—	1708, H. Maguire, Irish.	1703—	1713, N. Marsh, English.
1708—	1737, H. McMahon, Irish.	1714—	1727, T. Lindsay, English.
1738—	1747, B. McMahon, Irish.	1724—	1742, H. Boulter, English.
1747—	1748, R. McMahon, Irish.	1742—	1746, J. Hoadley, English.
1749—	1758, M. O'Reilly, Irish.	1747—	1764, G. Stone, English.
1758—	1787, A. Blake, Irish.	1765—	1794, R. Robinson, English.
1787—	1818, R. O'Reilly, Irish.	1795—	1800, W. Newcome, English.
1819—	1832, Patrick Curtis, Irish.	1800—	1822, W. Stuart, Scotch.
1832—	1835, T. Kelly, Irish.	1822—	1862, Lord J. G. Beresford, Irish.
1835—	1849, W. Croly, Irish.	1862,	M. G. Beresford, Irish.
1850—	1852, Paul Cullen, Irish.		
1852—	1866, J. Dixon, Irish.		
1867,	M. Kieran, Irish.		

Commenting upon this list, Dr. Mazière Brady, some-

time Protestant Vicar of Donogh Patrick, and Rector of Kilberry in the diocese of Meath, and Chaplain to the Earls of Clarendon, St. Germans, and Carlisle, Lord-Lieutenants of Ireland, says:—

"It appears, according to the foregoing list, that the number of Roman Catholic and Anglican Primates of Ireland from 1558 to 1867 has been equal. There were twenty Roman Catholics and twenty Anglican Primates. . . . Of the twenty Anglican Primates more than one-half died out of the Armagh Province, for six of them (Bramhall, Margetson, Boyle, Lindsay, Hoadley, and Newcome) died in or near Dublin, and five others (J. Usher, Boulter, Stone, Robinson, and Stuart) died in England. Of the Roman Catholic Primates, the greater number died in Armagh Province. Six only appear to have died out of it. Creagh died in prison in London; Oliver Plunket was legally murdered at Tyburn; McGauran was killed in battle; McCaghwell died at Rome soon after his consecration; Lombard and Maguire died in exile, the one at Rome, the other at Paris. The twenty Roman Catholic Primates were Irish by birth, and were educated in Ireland, or in Irish colleges abroad. Of the twenty Anglican Primates only six were Irish by birth, the others being Englishmen or Scotchmen. Only two of the twenty Anglican Primates were educated at Trinity College, Dublin, the other eighteen having belonged either to Oxford or Cambridge. Since the year 1702—that is, for a space of 165 years—no alumnus of T.C.D. has been advanced to the Irish Primacy." [6]

So much for the "Italian" and "Irish" Bishops of Armagh. I now pass to the list for Dublin:—

"Italian Church."		"Irish Church."	
Suc.	Died or Translated.	Suc.	Died or Translated.
1600—	1609, Matt. d'Oviedo.	1558—	1567, Hugh Curwin, English.
1609—	1622, Eug. Matthew, Irish.	1567—	1605, Adam Loftus, English.
1623—	1656, T. Fleming, Irish.		

[6] Brady, "The Irish Reformation," pp. 49, 52.

"ITALIAN CHURCH."

Suc.	Died or Translated.
[Vacant from 1656 to 1669.]	
1669—	1680, Peter Talbot, Irish.
1683—	1692, Patrick Russell, Irish.
1693—	1705, Peter Creagh, Irish.
1707—	1723, E. Byrne, Irish.
1724—	1728, E. Murphy, Irish.
1729—	1734, Sept. Luke Fagan, Irish.
1734—	1757, John Linegar, Irish.
1757—	1763, Richard Lincoln, Irish.
1763—	1769, P. Fitzsimon, Irish.
1770—	1786, John Carpenter, Irish.
1786—	1823, J. T. Troy, Irish.
1823—	1852, D. Murray, Irish.
1852—	1878, Paul Cullen.

"IRISH CHURCH."

Suc.	Died or Translated.
1605—	1619, T. Jones, English.
1619—	1650, L. Bulkeley, Welshman.
[Vacant from 1650 to 1661.]	
1661—	1663, J. Margetson, English.
1663—	1678, M. Boyle, Irish.
1679—	1681, J. Parker, Irish.
1682—	1693, F. Marsh, English.
1694—	1702, N. Marsh, English.
1703—	1729, W. King, Irish.
1730—	1742, J. Hoadley, English.
1743—	1765, C. Cobbe, English.
1765—	W. Carmichael, Scotch.
1765—	1771, A. Smyth, Irish.
1772—	1778, J. Cradock, English.
1779—	1801, R. Fowler, English.
1801—	1809, C. Agar, Irish.
1809—	1819, E. Cleaver, English.
1820—	1822, J. G. Beresford, Irish.
1822—	1831, William Magee, Irish.
1831—	1863, R. Whately, English.
1864—	1884, R. Ch. Trench, Irish.

"According to the foregoing list," says Dr. Brady, "there were, between 1558 and 1867, sixteen Roman Catholic, and twenty-two Anglican Archbishops of Dublin. . . . Only four of the Anglican Archbishops were of Trinity College, Dublin, and these four were Boyle, Parker, King, and Magee. Of the remaining eighteen, eight were of Oxford, one of a Scotch University, and another, Hoadley, belonged to either Oxford or Cambridge. There was one Welshman, one Scotchman, twelve Englishmen, and only eight Irishmen among the twenty Anglican Irish Bishops of Dublin." [7]

But, upon another point the "Irish Church" was more "Italian" than the "Italian" itself, viz. on the subject of tithes. Tithes were unknown in Ireland in

[7] Brady, "The Irish Reformation," pp. 92, 94.

the time of St. Patrick, and for centuries afterwards. They were, in fact, first introduced by the "Italian Church" in the twelfth century;[8] and, when the Reformation came, the "Irish Church," instead of going back to the practice in vogue in the days of its "founder," adopted the innovation of Rome. "You repudiate the doctrines of Rome," said O'Connell to the Ascendency, in allusion to the tithe system of the Establishment, "but you stick to the emoluments."

However, I have said enough with reference to the first theory respecting the foundation of the "Irish Church."[9] I now pass to the second, where we at once get on firm ground.

Henry VIII., having overthrown the authority of the Pope in England, and himself assumed the functions of the Bishop of Rome, despatched an Augus-

[8] "Tithes in this country, my lord," said Dr. Doyle, "should always have been odious; they were the price paid by Henry II. and the Papal Legate Paparo to the Irish prelates, who sold for them the independence of their native land, and the birthright of their people. . . . The old pastors obtained the right of levying tithes from the king; the Legate gave to the system the sanction of the Church; the petty princes yielded their assent, and the people submitted to what they could not resist."—"Letter to the Marquess of Wellesley," p. 34. On this subject, see Killen, "Ecclesiastical History of Ireland," vol. i. pp. 184, 208, 209, 219; Lanigan, "Ecclesiastical History of Ireland," vol. iv. 208, 209; O'Donovan's "Annals of the Four Masters," vol. iii. p. 335, n.; and, generally, Selden, "History of Tithes," ed. Wilkes, p. 208; Prideaux on Tithes; Watson on Tithes; D'Alton, "History of Tithes;" Ellwood on Tithes. At the Synod of Cashel in 1172, the following decree was passed: that "all the faithful of Christ shall pay tithes of their cattle, corn, and other produce to the Church of their own parish,"—Giraldus Cambrensis, "Hib. Expug," c. 35, and Killen, vol. i. p. 219. In 1186, at a Synod in Dublin, the payment of tithes was enforced.—Killen, vol. i. p. 236. We learn from the "Four Masters" that in the time of O'Conor, King of Connaught (A.D. 1224), tithes were first established in Ireland legally.—"Four Masters," vol. iii. p. 335, n., and Killen, vol. i. p. 225. Tithes seem to have been first established on the Continent of Europe in A.D. 800 by the authority of Rome, backed by Charlemagne.—Prideaux, pp. 82—97.

[9] With reference to the mission of St. Patrick, see Moran, "Essays on the Early Irish Church," and Todd, "Life of St. Patrick."

tinian friar named Browne to Ireland in the year 1535 to bring that country under his religious jurisdiction. Browne was quickly installed Archbishop of Dublin, and proceeded straightway to carry out the wishes of his master. But the new Archbishop did not find his task easy. The masses of the clergy and people evinced no desire to substitute the spiritual rule of the Pope of England for that of the Pope of Rome.[1] Cromer,[2] the Primate of Armagh, adhered to the old faith, denouncing the designs of Browne as impious, and enjoining the suffragans and clergy of his province to resist all innovation, and stand by the religion of their ancestors.[3]

"My most honoured lord," gloomily writes Browne to Thomas Cromwell on the 6th of September, 1535, respecting his Irish mission, "your humble servant, receiving your mandate as one of his Highness's Commissioners, hath endeavoured, almost to the danger and hazard of this temporal life, to procure

[1] I think I am right in saying that the question of the Reformation, so far as Henry VIII. was concerned, was a question of Popes. Henry had always a leaning for the doctrines of the Catholic Church, only he liked to be his own Pope. "Henry," says Brenan, a Catholic authority, "was a *schismatic*; but that is no proof that he was a *heretic*."—"Ecclesiastical History," p. 396. "With the exception of the recognition of the Papal supremacy," says Killen, a Protestant authority, "all the other leading peculiarities of Romanism were retained. . . . Archbishop Browne published for the use of his clergy a form of prayer in English containing petitions for the Catholic Church, the King. . . . Translations of the Lord's Prayer, the Hail Mary . . . were also put into circulation. But the Mass was still used in the Latin tongue."—Vol. i. pp. 352, 353.

[2] Cromer was by birth an Englishman.

[3] Leland, "History of Ireland," vol. ii. p. 161. Browne did not have much reverence for the ancient religion of the country, and it is amusing, anent the supposed "Patrician" origin of the "Irish Church," to read that this worthy burned the crozier of St. Patrick, "which for at least 700 years had been regarded as one of the most precious of Ireland's relics . . . in the presence of an assembled multitude, to prove that it could be consumed like any other piece of timber."—Killen, vol. i. p. 342. See also "Ulster Journal of Archæology," vol. ix. pp. 51, 56.

the nobility and gentry of this nation to due obedience, in owning his Highness their supreme head, as well spiritual as temporal; and do find much oppugning therein, especially by my brother Armagh, who hath been the main oppugner, and so withdrawn the most of his suffragans and clergy, with his set and jurisdiction. He made a speech to them, laying a curse on the people whosoever should own his Highness's supremacy; saying that this isle, as it is in their *Irish Chronicle, Insula Sacra*, belongs to none but the Bishop of Rome, and that it was the Bishop of Rome's predecessors who gave it to the King's ancestors. There be two messengers by the priests of Armagh, and by that Archbishop, now lately sent to the Bishop of Rome. Your lordship may inform his Highness that it is convenient to call a Parliament in this nation to pass the supremacy by Act; for they do not much matter his Highness's Commission which your lordship has sent over." [4]

The suggestion in the latter part of this letter was acted upon, and in May, 1537, a packed Parliament met in Dublin to declare the King Supreme Head on earth of the "Church of Ireland." [5] But the nation disregarded "his Highness's" new title as completely as they had disregarded his "Commission," and, as Dr. Brady puts it, Henry "was gathered to his wives" without witnessing the overthrow, or even the weakening of Papal authority in the island.[6]

[4] Mant, vol. i. pp. 114, 115.

[5] "English State Church in Ireland," p. 7. 28 Henry VIII., caps. 5 and 7, 8, 13, and 26. Henry seized the temporalties of the Church for himself (28 Henry VIII., caps. 8 and 26).

[6] As to failure of Reformation in Henry's reign, see Moran, "The Catholic Archbishops of Dublin," vol. i. p. 37—43. The vigour of Cromer's opposition to Henry seems finally to have abated. Mr. Killen says that the Primate took the oath of Supremacy in despair. —"Archbishops of Dublin," vol. i. pt. 1, pp. 31, 32. Dr. Moran says that Cromer's "vigour slackened," and that Rome, "alarmed at his weakness," suspended him "until he should purge himself of the suspicion of heresy"—p. 31. Cromer, Dr. Moran thinks, "volun-

Nor was any change in this respect wrought in the feelings of the clergy or people during the reign of Henry's successor; so that when Mary ascended the throne she found the Irish as Popish as they had been at any time within English memory.[7]

The reign of Mary forms, strange as the statement may seem, the most important epoch, from an ecclesiastical aspect, in the history of the Reformation in Ireland; for it is through the Bishops appointed at that time that the "Irish Church" derives its "apostolic descent." This is a curious, an interesting, and, in some respects, an amusing fact. That a Marian Bishop, and especially a Bishop consecrated by "Bloody" Bonner, should, from the Irish Protestant Episcopalian view, be the connecting link between the "Irish Church" of the sixteenth century and the Apostles, is, I think (speaking, however, with the simplicity of the lay mind), extremely diverting. The case of the Establishment is this: Hugh Curwin, who was appointed Archbishop of Dublin in 1555, was consecrated by men who unquestionably had the Apostolical succession, to wit, Edward Bonner, Bishop of London, Thomas Thirlby, Bishop of Ely, and Maurice Griffin, Bishop of Rochester. But Curwin subsequently, viz., in the reign of Queen Elizabeth, embraced the Reformed faith, and carried over with him to Anglicanism all the Bishops except two whom he had consecrated. These Reformed Bishops went on

tarily resigned his Archiepiscopal charge" in 1540, and the Pope appointed Dr. Wauchop to the Primacy in the same year. In 1543, Henry appointed Dr. Dowdall in opposition to Wauchop, but Dowdall turned out to be an "untractable Prelate." He resisted the Reformation stoutly, fled from Henry's persecution to Rome, and, Wauchop having died in 1551, was appointed his successor by the Pope. The faithful Browne was, after Dowdall's flight, elevated to the Primacy by Henry.—Moran, pp. 32, 33.

[7] "During the reign of Edward the Reformed faith made very little progress in Ireland."—Killen, vol. i. p. 363. "The majority, indeed, of the Bishops, as well as the inferior clergy, were decidedly attached to the Popish creed and practice."—Mant, vol. i. p. 188.

consecrating others, who in their turn consecrated more, handing down the succession to later times, and thus the chain of descent was sustained and completed.

It is almost a pity that the very refined theological argument suggested by this view of the case should have been spoilt by the inexorable logic of facts; but so it is. For, the question whether Curwin, owing his own Apostolical succession to Rome, could, after deserting Rome, have transmitted this succession to Protestant Episcopalian posterity, is placed beyond the pale of necessary controversy by the circumstance that the great majority of the Marian Prelates did not imitate the example of the Archbishop of Dublin. In fact he stood almost alone in his apostasy.[8] But I shall allow a Protestant ecclesiastical historian to deal with this subject. "It has often been asserted," says Dr. Killen, "that of all the Marian Bishops, only two now [in the reign of Elizabeth] remained faithful to Romanism; but the statement has not even the semblance of probability. The weight of evidence is quite in favour of the conclusion, that very few fully conformed. The two most noted conformists were Curwin, and O'Fibel or Field, Bishop of Leighlin. . . . But Leverous of Kildare, and Walsh of Meath, both of whom were within the pale, peremptorily refused to change their faith. Leverous, who had been long known before as a dangerous conspirator in the Papal interest, was instantly deprived of his bishopric. Walsh, who appears to have been the leader of the episcopal opposition, was set aside a few months afterwards. . . . Thonery, Bishop of Ossory, was deprived in 1561. Lacy of Limerick, in consequence of his nonconformity, appears to have been marked out for deprivation as early as 1562, but the Government required his political services; and though he persisted

[8] Curwin has been called "a complier in all reigns."—Killen, vol. i. p. 390.

in his adherence to the Romish ritual, he retained his See till his death in 1571. Redmund O'Gallagher, Bishop of Killala, who was afterwards translated to Derry by the Pope, lived and died a Romanist. Bodkin, Archbishop of Tuam, took the oath of allegiance, but there is no evidence that he ever disowned the Papal supremacy; he was the confidant of David Wolf, the Papal nuncio; and, notwithstanding the Act of Uniformity, he continued to celebrate Mass in his cathedral. Art O'Gallagher, who was Bishop of Raphoe at the time of Elizabeth's accession, has been described as a 'spirited gentleman' who 'always went with a troop of horsemen under his colours.' He appears to have stood in very little awe of the Queen's Government, and he was not forthcoming in the Parliament of 1560. He died in 1561, and his successor, Donald McGonnigle, was so far from conforming to Protestantism that he attended the Council of Trent.

"The See of Ross was vacant when Elizabeth was advanced to the throne; and Maurice O'Hea, the next Bishop—who was appointed by the Pope—died not long after his consecration. In December 1561, Thomas O'Herlihy was nominated his successor; and he, as well as McGonnigle, sat in the Council of Trent. Another Irish member of the Council was Eugene O'Harle, Bishop of Achonry. He was appointed to his office by the Pope in 1562. His uncle, Cormac O'Coyne, or Quin—who presided over the diocese at the time of Elizabeth's accession—died in full communion with the Church of Rome in 1561. Bernard O'Higgins, Bishop of Elphin, resigned his office in 1561, and died two years afterwards in a monastery in Portugal. Roger Skiddy, Bishop-Elect of Cork and Cloyne when Elizabeth reached the throne, was not inducted until nearly four years afterwards; and, when at length consecrated in 1562, the ceremony was performed after the Romish fashion. Though he thus contrived to satisfy his con-

science on the admission to the bishopric, he was a Roman Catholic at heart; and, as he felt himself uncomfortable in such a very equivocal position, he eventually resigned his dignity in the spring of 1567. Patrick Walsh, who was Bishop of Waterford from 1558 to 1578, ignored the Act of Conformity, sanctioned the worship of images and the celebration of the Mass, and to the day of his death permitted the rankest Popery to be publicly preached in his cathedral. Raymond McMahon, Bishop of Clogher, certainly never conformed to Protestantism, for he died at Rome in 1560. Peter Wall, who was Bishop of Clonmacnoise at the time of this ecclesiastical revolution, died in communion with the Pope. Raymond de Burgh, Bishop of Emly, who was a Franciscan monk, died in 1562, and was buried by his brethren in the monastery of Adare; and James Fitzmaurice, Bishop of Ardfert, remained till his death a noted and zealous Romanist. He joined in 1579 in an attempt to overturn the Government, and was in consequence attainted, and deprived of his property.

"These facts abundantly disprove the statement, that in the beginning of the reign of Elizabeth, nearly all the Marian Bishops passed over to the side of Protestantism. Four of them were deprived, two resigned, and a large number besides never exhibited any inclination to embrace the Reformed faith. Those who made the transition must have been far in the minority, and not one of them seems to have acted purely from conviction. We cannot point even to one who was afterwards known as an able and earnest Christian minister. It is remarkable that, of the twenty-five or twenty-six Bishops who were in office about the time when Elizabeth commenced her reign, all were of Irish birth except Curwin; and that none, except Curwin, can be proved to have joined in the consecration of a Bishop appointed by Elizabeth. It is no doubt very probable that the Archbishop of Dublin had assistants;

but it is somewhat extraordinary that the name of Curwin, and Curwin alone, appears in the consecration records of the Prelates nominated by the Queen during the first eight years of her government." [9]

So much for the Apostolical succession of the "Irish Church" and the secession of the Marian Bishops from Rome.

But of more relevancy than the purely theological topics by which it has been sought to obscure the subject, is the fact that in 1560,[1] two years after Mary's death—Elizabeth convened a packed Parliament in Dublin to declare her—as the packed Parliament of 1537 had declared her father—Supreme Head of the "Church of Ireland," and from this period rather than any other the Anglican Church in Ireland may be said, practically, to date its origin.

In truth, that Establishment was simply a politico-religious institution, founded by the Tudor family to aid in effecting the subjugation of the Irish people by converting them to the Reformed faith.

Founded by the Tudors, the new religious organization was generously helped by the first of the English Stuarts, who, indeed, with a benevolence of which we can find no trace in the conduct of his Protestant predecessors, appropriated some of the spoils of con-

[9] Killen, vol. i. pp. 379—383. Mr. Froude takes the same view. See his "History of England," vol. x., and his letter in Brady's "Irish Reformation," p. 173, *et seq.* Mr. Froude says that but two of the Marian Bishops, viz. Curwin and Field, "can be proved" to have conformed.—Letter in Brady's "Irish Reformation," p. 174. See also Moran, "Episcopal Succession in Ireland during Elizabeth's Reign." But the most exhaustive work on the subject is Dr. Brady's "Irish Reformation," where original authorities are cited, and the whole most completely and satisfactorily dealt with. See also Moran, "Archbishops of Dublin."

[1] See 2 Eliz. caps. 1 and 2, or perhaps from the succession of Loftus to the See of Dublin in 1563. With reference to the Parliament of 1560, see Brady, "Remarks on the Irish Church Bill," p. 23.

quest to its use. For, while Henry and Elizabeth had diverted into the Royal Treasury the proceeds of all the Popish ecclesiastical property on which they could lay their hands, James I. bestowed on the State Establishment no mean portion of the confiscated lands of the Irish chiefs.[2]

In this manner was the "Irish Church" founded and partly endowed.

As time went on, it grew more rich and received yet more political support, until finally its maintenance became one of the first cares of English statesmanship and English arms.

From the beginning of the seventeenth to the middle of the nineteenth century, it was, save for a short interval,[3] encouraged and sustained in its work of Protestantizing Ireland by the full weight of English authority and influence. Its Prelates sometimes governed the country,[4] and its interests were almost always consulted. To afford it a "fair" field for missionary labours, the national religion was proscribed, and the national Bishops expelled the land. Its path was made smooth and easy, and its crusade against Popery backed by the resources of the greatest Protestant country in the world. And what was the result of all this State patronage, encouragement, and support? Disastrous and disgraceful failure. The Church did not Protestantize Ireland, it did not keep Catholicism in check, it did not hold the ground

[2] In 1869, the glebe lands of Ireland amounted to 132,756 acres, and of these 111,151 were still in the ecclesiastical province of Armagh. "These extensive lands," says the *Edinburgh Review*, "were national property, consisting partly of confiscated estates, and partly of the estates of the ancient Churches."—*Edinburgh Review*, April, 1869, p. 442. See also "State Papers concerning the Irish Church in the time of Elizabeth," ed. by Dr. Mazière Brady; "The Montgomery MSS.," ed. by the Rev. George Hill; and Brady, "Essays on the English State Church in Ireland."

[3] In the time of Cromwell and James II.

[4] Boulter and Stone.

which it had acquired under the shelter of the conqueror's shield, and of cruel laws and pitiful persecution. Never in the history of Christendom did missionary Church—for such was the character of the Establishment—so fostered and favoured, leave behind it so discreditable a record of defeat.

Nearly two centuries after the foundation of this Church, and while the Penal Code, passed partly in its behalf, was still in full force, one of its most distinguished Prelates—Bishop Boulter—wrote, "The number of Papists in this kingdom is so great that it is of the utmost consequence to the Protestant interest here to bring them over to the Church of Ireland. . . . But the ignorance and obstinacy of adult Papists is such that there is not much hope of converting them." And the disinclination to embrace the State creed—"the ignorance and obstinacy"—evinced at the time these lines were penned, viz. in 1730, continued from the beginning to the end of the chapter.

The first reliable return of the population of Ireland was made by Petty in 1672, showing the following result:—

Catholics	800,000
Protestants (of all denominations) .	300,000

In 1736, another return was made, as follows:—

Catholics	1,417,000
Protestants (of all denominations) .	562,000[5]

In 1834, according to the Report of the Commissioners of Public Instruction,—

The Catholics were. . .	6,427,712 strong
The Anglicans . . .	852,064 „
The Presbyterians . . .	642,356 „
Other Protestant Dissenters .	21,000 „

[5] Return of hearth-money collectors.

There was no religious return of the population of the country made between 1834 and 1861, but in the latter year the numbers appeared as follows:—

Catholics	4,505,265
Anglicans	693,357
Presbyterians	523,291
Other Protestant Dissenters .	73,661

Dealing with those and other figures representing the population of Ireland at various periods between 1762 and 1861, Mr. Gladstone thus summed up the result of the missionary labours of the Establishment in 1868. He said:—

In 1672 the Protestants were to the Catholics as	45 to 120
In 1730 „ „ „ „	60 to 120[6]
In 1784 „ „ „ „	60 to 120[7]
In 1801 „ „ „ „	40 to 120
In 1834 „ „ „ „	30 to 120
In 1861 (after a terrible famine had swept the land, decimating the unfortunate and poverty-stricken Papist peasantry, but leaving practically untouched the favoured and prosperous members of the Establishment, the proportion of Protestants to Catholics continued substantially the same as in 1834, viz.) . .	30 to 120

Putting the figures in another way, Sir John Gray showed in 1866 the percentage which Anglicans and non-Anglicans respectively bore to the total population of the four provinces at that time. Thus:—

ULSTER.

Anglicans formed . . .	20 per cent. of the entire population.
Non-Anglicans (Catholics and Protestant Dissenters) . .	79 „ „ „

[6] According to some authorities the proportion in 1730 and 1784 was as 48 to 120, but Mr. Gladstone seems to have adopted the figures in the text on the authority of a Catholic Prelate.—Hansard, March 30th, 1868, p. 480. See also respecting the effects of the famine, and the tide of emigration which set in after it, Mr. Gladstone's speech in the House of Commons, March 28th, 1865.

[7] These were the days of the Penal Laws.

LEINSTER.

Anglicans formed . . .	11 per cent. of the entire population.
Non-Anglicans . . .	88 „ „ „

MUNSTER.

Anglicans formed . . .	5 per cent. of the entire population.
Non-Anglicans . . .	94 „ „ „

CONNAUGHT.

Anglicans formed . . .	4 per cent. of the entire population.
Non-Anglicans . . .	95 „ „ „[8]

But perhaps the best notion which can be given of the complete breakdown of the Establishment as a missionary Church is to be gathered from the carefully-compiled statistics collected by the *Freeman's Journal Church Commission* in 1866,[9] and some of which I shall now place before my readers.

In the united dioceses of Cashel, Emly, Waterford, and Lismore, we find the population set down thus:—

Diocese.	Total.	Anglicans.	Catholics.	Presbyterians.	Other Protestants.
Cashel . .	120,011	4,721	114,831	215	244
Emly . .	62,196	1,414	60,707	49	26
Waterford .	43,506	2,943	39,472	297	794
Lismore .	145,265	3,775	139,759	333	387
Total .	370,978	13,853	354,779	894	1,451
Per cent. .	—	3·7	95·6	0·2	0·4

But more striking, perhaps, is the following

[8] Hansard, April 10th, 1866, p. 977.

[9] This is a work of conscientious labour, and much ability,—a most valuable contribution to the literature of the Irish Church Question.

table referring to some of the benefices in this diocese:—

Benefices.	Annual Value.	Anglicans.	Catholics.	Protestant Dissenters.
	£			
Fethard . .	1065	197	5754	26
Thurles . .	950	207	7334	36
Borrisoleigh .	906	165	4693	18
Athassell .	674	117	3226	2
Newport . .	819	240	5583	13
Killenaule . .	845	155	4730	8
Lismalen . .	794	110	2717	3
Moyne . .	500	41	1408	2
Clonoulty . .	385	42	2097	—
Dromkeen .	474	14	908	—
Ballybroad .	438	35	1412	—
Cullen . .	650	44	3717	17
Ballinlanders .	397	28	4300	—
Kilbehenny .	320	16	2332	—
Mothel . .	621	41	4301	—
Tubrid . .	491	48	4631	13
Tipperary . .	908	229	7611	83

Besides the above seventeen benefices there were sixteen others in which there was no church, and respecting these we are furnished with the following particulars:—

No. 1.—Templeree, value 15*l.* 17*s.* 10*d.*; no church, number of Protestants, 9; the incumbent is an absentee, and pays a curate 10*l.* a year for performing the duties.

No. 2.—Ballymurreen, value 105*l.*; no church, number of Protestants, 48; the incumbent is an absentee.

No. 3.—Killardry, value 202*l.*; no church, number of Protestants, 7; the incumbent is an absentee, and pays a curate 10*l.* a year for performing the duties.

No. 4.—Ulloe, value 265*l.*; no church, number of Protestants, 13; the incumbent is an absentee, pays a curate 50*l.* a year for performing the duties, and is himself curate to a benefice in another diocese.

No. 5.—Grean, value 500*l.*; no church, number of Protestants, 78; the incumbent is resident.

No. 6.—Toem, value 163*l.* 16*s.* 3*d.*; no church, number of Protestants, 28; the incumbent is resident.

No. 7.—Kilmacleague, attached to the Chancellorship of Waterford, value 380*l.* 10*s.* 5*d.*; no church, number of Protestants, 17; the incumbent is an absentee, and resides in Waterford.

No. 8.—Reisk, value 63*l.*; no church, number of Protestants, 1; the incumbent is an absentee.

No. 9.—Archdeaconry of Lismore, value 442*l.* 15*s.* 5*d.*; no church, number of Protestants, 138; the incumbent is resident, and pays a curate 14*l.* 15*s.* a year. The value of the benefice is represented by the Church Directory as being much higher.

No. 10.—Modeligo, value 112*l.* 10*s.*; no church, number of Protestants, 6; the incumbent is an absentee.

No. 11.—Lisgenan, value 150*l.*; no church, number of Protestants, 13; the incumbent is an absentee.

No. 12.—Templemichael, value 98*l.* 9*s.*; no church, number of Protestants, 3; the incumbent is an absentee, residing in an adjoining benefice.

No. 13.—Fenoagh, value 145*l.* 7*s.* 9*d.*; no church, number of Protestants, 12; the incumbent is an absentee, residing in an adjoining benefice.

No. 14.—Mora, value 195*l.*; no church, number of Protestants, 3; the incumbent is an absentee, and pays a curate 15*l.* a year for performing the duties.

No. 15.—Kilsheelan, value 187*l.* 15*s.* 5*d.*; no church, number of Protestants, 21; the incumbent is an absentee, and pays a Curate 20*l.* a year for performing the duties.

No. 16.—Kilcash, value 50*l.* 15*s.* 8*d.*; no church, number of Protestants, 10; the incumbent is an absentee, and is a curate in Waterford, some twenty miles distant.

Passing from Cashel to Meath, we find the population of the latter diocese as under:—

Total.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
252,354	16 289	235,136	1,053	876
Per cent.	6·4	92·8	0·4	0·4

The following table shows the "proportion which

duty bears to revenue" in some of the benefices in the diocese:—

	Benefice.	Value.	No. of Anglicans.	Cost per Head.	Cost per Family.	No. of Catholics.
		£		£ s. d.	£ s. d.	
1	Kentstown . .	307	43	7 0 11	36 4 0	555
2	Newtown . . .	359	51	7 0 11	36 4 0	4,394
3	Dunshaughlin . .	334	43	7 15 4	39 19 0	1,328
4	Ratoath . . .	317	40	7 18 6	40 15 0	1,127
5	Kilmassan . .	595	73	8 3 0	41 18 0	1,940
6	Raddanstown . .	363	38	9 11 0	49 2 0	466
7	Donaghpatrick . .	273	30	9 2 0	46 16 0	1,573
8	Kilmainham Ward .	100	10	10 0 0	51 8 0	835
9	Drakestown . .	549	44	12 9 6	64 3 0	1,046
10	Knockmask . .	291	14	20 15 9	106 18 0	1,367
11	Tryvett . . .	326	12	27 3 4	139 14 0	462
12	Rathkenny . . .	143	5	28 12 0	147 2 0	1,223
	Totals . .	3,957	413	—	—	16,316
	Averages . .	—	—	9 9 1	48 12 0	—

In the diocese of Ossory, consisting of the Sees of Ossory, Ferns, and Leighlin, an equally unsatisfactory condition of things, from the State Church point of view, prevailed. Thus:—

Diocese.	Gross Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Ossory . .	140,086	8,258	131,248	250	330
Ferns . .	151,368	14,383	135,650	288	1,047
Leighlin . .	124,889	13,022	111,006	241	620
Total .	416,343	35,663	377,904	779	1,997
Percentage	—	8·5	90·8	0·2	0·5

The total number of parishes in this diocese amounted to 143, and the following table shows the condition in which seventy-three of them were found by the Commissioner:—

No. of Parishes.	No. of Anglicans in each.	Total.
25	0	0
6	1	6
5	2	10
1	3	3
5	4	20
6	5	30
3	6	18
2	7	14
6	9	54
3	10	30
2	11	22
3	12	36
3	14	42
3	15	45
73	0 to 15	330
Average	4·5	

The following tables relate to the undermentioned dioceses :—

CORK

Diocese.	Gross Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Cork . .	239,213	26,736	206,918	1,229	4,330
Cloyne . .	215,166	11,746	202,294	678	448
Ross . . .	69,903	4,746	64,540	76	541
Total .	524,282	43,228	473,752	1,983	5,319
Percentage	—	8·2	90·3	0·4	1·1

KILMORE.

Diocese.	Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Kilmore .	209,714	31,646	169,886	5,519	2,663
	Percentage	15·1	81·0	2·6	1·3
Elphin . .	201,879	10,506	189,518	903	962
	Percentage	5·2	93·9	0·4	0·5
Ardagh	136,298	11,044	124,185	646	423
	Percentage	8·1	91·1	0·5	0·3
Total	547,891	53,196	483,589	7,068	4,048
	Percentage	9·7	88·3	1·3	0·7

KILLALOE.

Diocese.	Total Population.	Anglicans.	Catholics.	Other Protestant Dissenters.
Killaloe . .	225,096	12,700	211,098	1,298
	Percentage	5·6	93·8	0·6
Kilfenora . .	23,092	251	22,789	2
	Percentage	1·1	98·9	0·0
Kilmacduagh .	24,798	434	24,338	31
	Percentage	1·8	98·1	0·1
Clonfert . .	64,43	2,521	61,183	439
	Percentage	9	95·4	0·7
Total . .	337,079	15,906	319,403	1,770
	Percentage	4·7	94·8	0·5

ARMAGH.

Diocese.	Total Population.	Anglicans.	Catholics.	Presbyterians.	All others.
Armagh .	386,260	85,583	234,657	57,556	8,470
	Percentage	22·2	608	14·9	2·1
Clogher .	262,572	65,195	170,998	21,197	5,182
	Percentage	24·8	65·1	8·1	2·0
Total .	648,832	150,778	405,655	78,853	13,652
	Percentage	23·2	62·5	12·1	2·2

DOWN.

Diocese.	Total Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Down . ..	163,943	28,868	46,551	83,849	4,775
	Percentage	17·6	28·3	51·2	2·9
Connor .	386,027	80,125	103,245	184,330	18,327
	Percentage	20·8	26·7	47·8	4·7
Dromore .	172,215	44,474	66,136	55,818	5,787
	Percentage	25·8	38·4	32·4	3·4
Total .	722,185	153,467	215,832	323,997	28,889
	Percentage	21·3	29·9	45·0	3·8

TUAM.

Diocese.	Total Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Tuam . .	312,961	9,041	302,367	744	809
	Percentage	2·90	96·60	0·2	0·3
Killala .	87,075	4,724	81,337	685	329
	Percentage	5·4	93·4	0·8	0·4
Achonry .	108,870	8,392	105,203	138	137
	Percentage	3·1	96·63	0·1	0·1
Total .	508,906	17,157	488,907	1,567	1,275
	Percentage	3·37	96·07	0·31	0·25

LIMERICK.

Diocese.	Total Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Limerick .	172,622	8,679	162,324	553	1,066
	Percentage	5·0	94·1	0·3	0·6
Ardfert and Aghadoe	221,939	6,424	215,028	259	228
	Percentage	2·9	96·9	0·1	0·1
Total .	394,561	15,103	377,352	812	1,294
	Percentage	3·8	95·6	0·2	0·4

DUBLIN.

Diocese.	Gross Population.	Anglicans.	Catholics.	Presbyterians.	Other Protestant Dissenters.
Dublin .	513,329	100,267	396,916	8,165	7,981
	Percentage	19·6	77·3	1·6	1·5
Kildare .	98,369	12,499	84,590	654	626
	Percentage	12·8	86·0	0·6	0·6
Total .	611,698	112,766	481,506	8,819	8,607
	Percentage	18·4	73·7	1·5	1·4

DERRY.

Diocese.	Total Population.	Anglicans.	Catholics.	Presbyterians.	Others.
Derry . .	293,251	43,738	164,475	79,287	5,751
	Percentage	14·9	56·1	27·0	2·0
Raphoe .	169,204	22,213	126,991	17,501	2,449
	Percentage	13·2	75·1	10·3	1·4
Total .	462,455	65,951	291,466	96,788	8,250
	Percentage	14·3	63·0	20·8	1·9

The following table refers to the diocese of Tuam :—

Benefice.	Value.	Anglicans.	Cost per Family.			Catholics.
	£		£	*s.*	*d.*	
Arran . .	100	None.	...			3,299
Kilmoylan . .	320	4	411	8	7	2,769
Kilmolara . .	410	28	75	6	0	2,660
Killascobe . .	123	8	79	1	5	1,489
Kilkerrin . .	429	36	61	5	8	9,403
Annaghadown .	477	46	53	6	8	5,745
Dunmore . .	495	53	48	0	7	8,387
Athenry . .	740	87	43	14	8	3,790
Killererin . .	447	63	36	9	9	5,289
Mayo . .	220	30	37	14	3	2,200
Kilmaine . .	451	64	36	4	9	3,620
Moylough . .	641	109	30	4	10	5,175
Balla . . .	315	55	29	9	0	3,210
Headford . .	835	163	26	6	10	7,950
Total . .	6,003	746	£41	8	0	64,986

The following table shows the number of parishes in this diocese with no Anglican, and of those which have a population ranging from one up to fifteen Anglicans each :—

In the diocese of Limerick in 1860

There were	22	parishes with no	Anglican	Total,	0
„	4	„	1 Anglican each	„	4
„	4	„	2 Anglicans each	„	8
„	4	„	3 „	„	12
„	5	„	5 „	„	25
„	4	„	6 „	„	24
„	1	„	8 „	„	8
„	6	„	9 „	„	54
„	3	„	10 „	„	30
„	4	„	11 „	„	44
„	6	„	13 „	„	78
„	2	„	14 „	„	28
„	3	„	15 „	„	45
Total	68				360
			Average		5·3

The following table, which refers to the same diocese, deserves also to be quoted:—

Benefice.	Value.	Anglicans.	Catholics.	Cost per Anglican Family.
	£			£ s. d.
Aghadoe	567	77	6,605	37 16 10
Ardcanny	269	48	474	28 16 1
Ballycahane	129	15	561	44 4 0
Ballycushlane	345	70	3,808	24 6 3
Ballyheigue	218	56	2,777	20 0 1
Bruree	270	34	2,374	40 16 6
Castle Island	555	80	6,015	35 13 2
Cloghane	138	9	1,772	78 16 3
Clonelty	134	11	1,612	62 12 0
Crecoragh	73	9	624	41 13 6
Croagh	429	39	1,590	56 10 8
Croom	900	114	4,128	40 11 3
Dromin	565	35	1,585	82 19 4
Dromod	259	38	7,014	35 0 3
Dromtariff	573	99	12,999	27 13 4
Duagh	152	37	4,495	21 2 4
Effin	254	8	1,252	163 3 10
Kilconly	70	6	1,496	59 19 4
Kilflynn	434	96	5,885	23 4 3
Killeiny	338	55	2,664	31 11 4
Kilmurry	301	55	844	28 1 11
Killury	325	38	3,213	43 19 0
Kilpeacon	252	38	760	33 13 1
Mahonagh	425	25	2,323	87 7 7
Molahiff	217	56	4,809	26 6 8
Mungrett	212	25	1,847	43 11 7
Newcastle	706	161	8,066	22 10 0
Totals	9,180	1,334	91,572	—
Average per Benefice	£340	49	3,391	£46 0 0

The table, with which I close my reference to this interesting and instructive Commission, reveals a curious condition of things in the diocese of the "capital of the Pale," as Dublin has been called:—

		No. of Parishes.		Total.
Parishes with no Anglican	...	19	...	0
„ 1 Anglican	...	1	...	2
„ 2 Anglicans	...	2	...	4
„ 4 „	...	2	...	8
„ 5 „	...	6	...	30
„ 6 „	...	4	...	24
„ 7 „	...	3	...	21
„ 8 „	...	2	...	16
„ 9 „	...	2	...	18
„ 10 „	...	2	...	20
„ 11 „	...	3	...	33
„ 12 „	...	1	...	12
„ 13 „	...	5	...	65
„ 14 „	...	3	...	42
„ 15 „	...	1	...	15
„ 16 „	...	4	...	64
„ 17 „	...	2	...	34
„ 18 „	...	3	...	54
„ 19 „	...	5	...	95
„ 21 „	...	1	...	21
„ 22 „	...	2	...	44
„ 24 „	...	3	...	72
„ 25 „	...	1	...	25
		78		719
Average	...	...	...	9·1

These figures, however, are far from exhausting the facts which may be cited to prove the anomalous and intolerable position of the Establishment. "I myself," said George Henry Moore, an Irish Catholic landlord, addressing the House of Commons in 1849, "pay tithes in eight parishes. In the whole of those parishes there is not one church, one glebe, or one single resident clergyman. I am not aware that there is a single Protestant in the whole eight parishes; and I do not believe that Divine service, according to the Protestant Ritual, has been celebrated in any of them since the Reformation."[1] And there were in all 199 parishes in the same condition as these eight; 199

[1] Hansard, July 10th, 1849, pp. 132, 133.

parishes not containing a single Protestant soul![2] And yet the Establishment arrogated to itself the title of "Irish Church." Assuredly it is difficult to reflect upon the assumption of this title by the members of the State religion in Ireland, and upon the facts which I have placed before my readers in the foregoing pages, without feeling, as the late Lord Lytton said, that "the Irish Church is the greatest Irish Bull in the world."

In conclusion, a very brief reference to the finances of the Church in 1861 is necessary. I say "a very brief reference," because I do not think much turns upon this point. To me it seems a question of mere detail whether the revenues of the Establishment amounted to half a million or a million a year. The important subject for consideration is that the State should have taken upon itself any responsibility at all—should have appropriated the smallest portion of the national property—to aid in maintaining the Church of 600,000 persons, while the Church of 4,000,000 of people was left unhelped and unrecognized.[3] However, as a matter of fact, the revenues of the Establishment amounted to 600,000*l.* a year, of which 55,000*l.* was distributed among the Bishops. Thus:—

	Net Annual Value.
Armagh	£8328
Meath	3664
Tuam	4038
Down and Connor	3524
Derry	5939
Kilmore	5246
Dublin	6569
Ferns and Leighlin	3867
Cashel and Emly	4402
Limerick and Ardfert	3961
Killaloe and Kilfenora	3261
Cloyne	2304
Total	£55,110[4]

[2] Brady, "The English State Church in Ireland," p. 128.

[3] This was practically the case, though it should be noted that a

Of the annual income above given, 400,000*l.* consisted of tithes; and of this amount 30,000*l.* was paid by Catholic landlords.[5]

Such was the "Irish Church" prior to 1869.

Government grant was allowed to the Catholic Ecclesiastical College of Maynooth.

[4] Some of the Bishops of the Establishment were able to leave behind them goodly fortunes. Thus:—

Dr. Stopford, Bishop of Cork, left by will . .	£25,000
Dr. Percy, Bishop of Dromore	40,000
Dr. Cleaver, Bishop of Ferns	50,000
Dr. Bernard, Bishop of Limerick	60,000
Dr. Knox, Bishop of Killaloe	100,000
Dr. Fowler, Archbishop of Dublin	150,000
Dr. Porter, Bishop of Clogher	250,000
Dr. Hawkins, Bishop of Raphoe	260,000
Dr. Beresford, Archbishop of Tuam . . .	260,000
Dr. Agar, Archbishop of Cashel	400,000
Dr. Warburton	600,000
Total	£2,075,000

[5] This is according to a Protestant estimate, but Sir John Gray put the figure higher. He said, that of the 8412 landlord tithe-payers in Ireland in 1861, 3554 were Catholic.—Hansard, May 7th, p. 103. Dr. Brady took the same view. "Tithes," he said, "are paid by the landlords, 42 per cent. of which are Catholic."—"English State Church in Ireland," p. 21. According to the Protestant estimate, 7000 of the 8412 landlords were Protestant.

CHAPTER II.

THE CHURCH QUESTION IN PARLIAMENT BETWEEN 1838 AND 1865.

HAVING described the character of the Irish Church Establishment in the last chapter, I now proceed to deal with the measures which were introduced in Parliament between 1838 and 1865 to reform, or destroy it.

On the 1st of August, 1843, Mr. Ward, member for Sheffield, brought the subject before the House of Commons, and moved the adoption of an address to the Crown, declaring "that the laws which regulate the present distribution of Church property in Ireland are not conformable to reason, or to the practice of any Christian country," and praying for such a settlement of the question "as will remove all grounds of complaint, and give satisfaction to the Irish people." Having reviewed the position of the Establishment in an able and moderate speech, and exposed the injustice of maintaining at the expense of the State the religion of a small minority in Ireland, while that of the masses was left without legal recognition or support, he proposed to place the whole property of the Church in commission, to cut down its revenues to a figure commensurate with the work entailed upon its clergy, and to distribute the balance, according to population, among the other principal religious denominations in the country. Thus:—

To the Establishment he would allow	£70,000 a year.
„ Presbyterians and Wesleyans	70,000 „
„ Catholics	412,000 „

This proposal was strongly resisted by the Government, who declined to be a party to any tampering with the Church or its property. By the "compact" entered into at the Union," said Lord Elliot, the Irish Secretary of the day, speaking in behalf of Ministers, the State guaranteed the maintenance of the Establishment, and that "compact" should be kept. For his part he could see no difference between the "existence of a Protestant Establishment and of a Protestant sovereign;" and he thought that as long as the latter "must profess one of the two creeds," the "two religious persuasions could not be placed on a footing of perfect equality."

This *non possumus* declaration effectually settled the question for the time being; and after a dull debate, which lasted two days, Ward's motion was disposed of by "a count out."

However, on the 11th of June, 1844, the member for Sheffield returned to the charge, moving this time for a Committee of the House upon "the present state of the temporalties of the Church of Ireland." But the Government again said, "No."

"Any attempt," said Lord Elliot, "to alienate any portion of the revenues of the Church, and to apply it to other than Church purposes, would be unjust and inexpedient." "For my part," said Sir James Graham, "I can only repeat that the attempt—I will not say to subvert the Church, for that might be disallowed—but to take a large portion of its revenues either for Roman Catholic endowments, or for secular purposes, is forbidden by justice, forbidden by the compact entered into by the united Parliament, and forbidden by the sanction of the highest moral obligations."

Peel also spoke against the motion, but adopted a somewhat different tone from that assumed by Elliot or Graham. He did not waste much time in talking about the "compact" at the Union, or about the "justice" of the case or "moral obligations." The great Conservative statesman, who had learned much

and forgotten much since the days of the Melbourne Administration, thought, doubtless, that the less said the better about "justice" and "moral obligations" in connection with the Irish Church Establishment. He put the question purely on practical grounds. He did not attempt to defend the Establishment either in principle or detail. He did not say it was "above reform." His speech simply amounted to a declaration, that the time for dealing with the matter had not yet come. "I consider it," he said, "infinitely safer to stand on the compact [entered into at the Union] unless the overwhelming necessity of public policy compels me to change my opinion; and I am convinced that there is no such overwhelming necessity [at present]"—a statement which clearly meant that Sir Robert Peel would be prepared to take up the subject when he got the force of public opinion in England at his back, but not sooner.

Lord John Russell joined Ward in his appeal for a Committee to consider the condition of the Establishment, supporting the motion in a powerful speech. But Ministers were inexorable, and the motion was negatived by a majority of 179 votes to 274.

On the 25th of February, 1846, Mr. A. S. O'Brien, member for Northamptonshire, asked Sir J. Graham and Lord John Russell what were their intentions with respect to the Establishment, when the former said that he was "opposed to any policy destructive" of it; and the latter, that he "had never held the opinion that the Irish Church ought to be destroyed," though he believed it needed reform.

On the 26th of March, 1847, Mr. Smith O'Brien interrogated Lord John Russell once again upon the subject, asking "if there was any intention on the part of her Majesty's Government to bring in measures during the present session to appropriate the property of the Irish Church to purposes in which both Protestants and Catholics were interested." Lord John answered, "Sir, there is no such intention."

On the 10th of July, 1849, Mr. Bernal Osborne took up the question, moving for a Committee to consider the state of the Establishment; but Ministers opposed the motion, and it was rejected by a majority of 170 to 103 votes.

On the 21st of February, 1853, Mr. George Henry Moore asked Lord John Russell if it was the intention of her Majesty's Government to legislate with regard to the Established Church of Ireland on the basis of perfect religious equality, and the Minister said it was not.

Finally, on the 13th of June, 1854, Mr. Sergeant Shee introduced a Bill to suspend 395 benefices where the Church population was very small, and to reduce the incomes of the Bishops and other ecclesiastical dignitaries so as to diminish the revenues of the Establishment by 169,000*l.* a year, which sum he proposed to divide between the Catholic and Presbyterian Churches. But the Bill was opposed by Ministers as "wholly uncalled for,"[1] and rejected on the 19th of July, after three days' debate, by a majority of 117 to 31 votes. From that date to the 28th of March, 1865, the question of the "Irish Church" was allowed, practically, to hang fire. In the interval stirring events took place in Ireland.

Sir John Young, Irish Secretary.

CHAPTER III.

FENIANISM.

On the 23rd of November, 1863, a number of Irishmen met in the City of Chicago, to proclaim to the world that an association had been formed for the purpose of establishing the national independence of their country by force of arms. The association in question had been in existence for some years[1] without attracting much attention, but the step now taken brought it well before the public gaze, and marked an important epoch in its eventful history.

The presiding genius at this Chicago gathering was John O'Mahoney, the founder, and leader in America of the Society. In a brief speech he opened the proceedings, saying that it was necessary "to declare our position before the world," and urging the adoption of more vigorous measures than had hitherto been taken for extending the influences of the organization, especially in Ireland. Resolutions were then passed pledging the Society to a policy of open war with Great Britain for the establishment of "Irish national freedom;" rules were framed for its regulation and management, and officers were appointed to direct and control its action. Finally, an "Address to the people of Ireland" was adopted, in which the "utter futility of legal and constitutional agitation" was asserted, and the declaration put forth that "no enslaved people ever regained their independence" unless by efforts

[1] Since about 1858.

which, "in the enslaver's sense," were "rebellious and illegal."

John O'Mahoney became "Head Centre" (as the chief personage in the Society was called) in America, and James Stephens—a man possessing the energies, the power of will, and almost the resourceful genius of Wolfe Tone—undertook the work of organization in Ireland.

In this wise a *status* and a name was given to that powerful rebellious movement which, among its own members in Ireland, was known by the title of the "Irish Revolutionary Brotherhood;" and, to the outer world, by the now historic appellation of the "Fenian Conspiracy."[2]

Of course it is not my intention to follow the career of the Society through all its phases. My aim in dealing with the subject here is simply to show how much (or little) it was instrumental in arousing public attention in England to Irish affairs, and in helping forward the work of English legislation for Ireland. With this view it will only be necessary for me to refer to those incidents in the history of the movement which attracted the notice of the English public and Parliament, and fixed the eyes of the Empire on its Western boundary.

The first incident which, I think, fastened the attention of the general public on the Fenians was the establishment in Ireland of a newspaper for the purpose of inculcating the principles of the organization—of teaching the Irish people that the welfare, the happiness, and the honour of their race could be attained only by securing the separate independence of their country. This newspaper was called the *Irish People*, and its management was entrusted by James Stephens to the guidance of three men of rare intellectual gifts and great moral uprightness, viz.

[2] Proceedings of the first National Convention of the Irish Revolutionary Brotherhood in Chicago.

John O'Leary, Thomas Clarke Luby, and Charles James Kickham.[3]

The first number appeared on the 28th of November, 1863, and contained an article which will give the reader a fair idea of the character of the journal, and of the objects of the association whose organ it was. The article ran as follows :—

'82 AND '29.

Since the twelfth century England has been the unsleeping enemy of Ireland.

Generally her tyranny has shown itself in the form of undisguised oppression.

Sometimes, however, she has affected to conciliate and make great concessions to Ireland.

Whenever this has been the case the apparent concession has invariably had the effect of extending her unjust authority.

England's open and avowed hostility has never proved so effectual a method of rivetting on Ireland the fetters of alien rule, as her occasional insidious adoption of the fatal seeming of friendship.

There have been two very remarkable illustrations of this within the last hundred years. The first was the acknowledgment of the independence of the Irish Parliament in 1782. The second was the concession of Catholic Emancipation in 1829.

These concessions have generally been looked upon as unalloyed benefits. Yet we assert that, owing to the manner in which they were gained, they have really proved curses rather than blessings to our country.

In '82 Ireland was on the point of achieving a glorious revolution. Had England not conceded at once, an appeal to arms would have been made by the Irish people, whose military might and enthusiasm at that moment were well-nigh irresistible. While, on the other hand, the martial ardour and available resources of England had sunk to a low ebb. That, in the event of a war struggle, Ireland would have triumphed no one can reasonably doubt. But victory in the field would have made her achievement of independence real and complete, not an abortive sham. It would have precipitated separation. It would have glorified the Irish people, and doing so it would have enabled the Catholics, with arms in their hands, to assert

[3] O'Leary was the editor and the directing mind.

their right to religious liberty; and the whole democracy to demand and to win that preponderance of political power to which they were entitled. Finally, it would have given Ireland an army and a navy; in a word, all the appliances and securities of real independence.

But no war struggle took place. England struck at once, and conceded. Thus the parliamentary independence of '82 was won, if not altogether ingloriously, at least peacefully, and the consequence was, it turned out not independence, but a mockery and phantom. True national independence never was, and never will be, anywhere achieved save by the sword. The Revolution of '82 was, after all, a plausible, solemn, deluding humbug—a clever manœuvre of the English Government to transform a national movement of glorious promise into a mere imposing piece of pageantry. Accordingly, while a few orators distinguished themselves, the people at large were not ennobled by sacrifices and heroic deaths. No permanent and potent military and naval organization, trained and tested by actual service, or really adequate to the task of guarding Ireland's independence, arose. The volunteer organization, as might be expected, dwindled, and finally fell to pieces. Grattan, charmed with English concession, canted about loyalty, and resisted Flood's more daring tendencies towards separation. The people having done nothing so grand as to make their claims irresistible—Grattan could dare despise democracy and the Reform Convention; and Flood, though championing popular reform, leaning even towards separation, could inconsistently spurn at the idea of allowing the Catholics to be anything save hewers of wood and drawers of water. Had the people been ennobled by a war of independence, these things could not have been so.

England's concession then was a master-stroke of policy. The whole system that resulted from the arrangement of '82 was anomalous and absurd, and could by no possibility endure. According to the theory of '82 here were two countries with perfectly independent Legislatures; yet, united by the absurdity—the "golden link" of the Crown—both Legislatures, mark, having the power to impeach the king's Ministers.

Thus the king's Irish Ministers might, in obedience to the pressure of the Irish Legislature, have felt it necessary to advise him to declare war as King of Ireland against any given country; while at the same time his English Ministers might have advised him, as King of England, to remain at peace, the interests of England in the supposed case requiring, and the feelings of the English Legislature being in favour of peace. What charming "confusion worse confounded" should such an

event have arisen. In fact, considering the principle of Ministerial responsibility under the '82 *régime*, circumstances might even have arisen in which George III., as King of Ireland, would have been called on to declare war against himself as *King of England*. . Such a system could not last. The absurdity of the "golden link theory" was, in effect, tested three times between '82 to 1800. The Act of Union was a natural result of '82. Ireland lost her golden opportunity the day on which English concession prevented her achievement of real independence by war.

The second instance we referred to as illustrative of the insidious nature of England's concessions to Ireland was the Catholic Emancipation Act of 1829. We maintain that the chief effect of this belauded concession has been to retard the winning of our independence, and to denationalize thousands of our countrymen.

If the English Government had not conceded emancipation quietly, the Irish Catholics would at length have taken up arms to fight for their religious liberties. The Liberal Protestants would have joined them, and the struggle would have finally expanded into the grand proportions of a war of independence. Ireland would probably now be a country rejoicing in the blessings of independence, rich in the memories of a heroic national struggle, strong with the dignity, self-respect, and energy which result from success in such a struggle—instead of being to-day a byeword and a mockery among the nations, she might be, in very deed, the freest, the most prosperous, the most glorious island of the sea.

But emancipation was gained otherwise. England insidiously, and fatally for Ireland, conceded it ere a blow was struck.

There were two features we may assert in emancipation which rendered its achievement detrimental to the prospects of Ireland.

The first was its being gained peacefully. This circumstance deprived it of all ennobling associations of sacrifice and heroism. All the memories connected with emancipation are of a common place, or ignoble character; wholly unfitted to exalt the national mind.

The other bad feature in emancipation upon which we shall now touch was the fact of its being gained separately from national independence. Being won peacefully this was a matter of course.

Emancipation was a measure calculated almost exclusively to benefit the upper and middle classes of the Catholics. While

it left the general population more miserable than it found them, its achievement, and the subsequent corporation reforms, opened up the paths of professional and parliamentary distinction to the wealthy and educated Catholics—in short, completely satisfied their ambition.

This was a serious blow to the national hopes of Ireland. Those intelligent and educated Catholics who ought to form the leaders, guides, champions, and rallying points of the people in any struggle for social and national regeneration, are separated from them ever since. Having gained their own point, having secured their own interests, gratified their own sordid ambition, they take no farther part in struggles for country or countrymen.

It is, in short, always an insidious and fatal boon when the claims of what are styled the upper classes of a community are conceded separately from the rights of the people at large. The class gratified is thereby bought over from the struggle for the general weal. Thus emancipation in Ireland, separated from the cause of independence, has turned out to be simply a means in the hands of the foreign Government of England of bribing and corrupting wealthy or educated Catholics, of seducing them from the national ranks.

These pernicious results of emancipation would not be compensated by the fact of its having given us Catholic judges and magistrates to try the people, even if this last circumstance produced a fairer administration of justice, or, in other words, gave fairer play to the Catholic on trial than he had before the year '29. But still less does the possession by Catholics of the seats of justice compensate for the denationalizing results of emancipation, when we know that as long as Ireland's present connection with England holds, and as long as our present aristocratic system lasts, whenever a Catholic peasant or patriot is arraigned before him on political or agrarian charges, the Catholic judge will prove as supple and iniquitous a tool of tyranny as the most bigotted Orange partisan could be.

Truly it can afford slender consolation to the Catholic victim of landlordism to know that the Special Commissioner who sentences him so impressively to be hanged, is of the same creed as himself.

But there is one point above all which we should remember in estimating the effects of the Relief Act of '29. It is this, while it never did a particle of good to the masses of the people, to-day more oppressed than ever, it has had the specious appearance of removing a grievance and an ignominy: and so has taken away one healthy element of wrath against

British rule from the minds of the people, who, unfortunately, are in most cases more influenced by shows than realities.

In a word we do not hesitate to say that emancipation has done more harm than good. To benefit Ireland it should never have been separated from the national cause. It and Ireland's independence should have sunk or swam together, and it should have been won by the sword.

Finally, if on the one hand emancipation has deprived the Irish people of those from whom, considering their talents and acquirements, they might justly claim help and guidance in a struggle for independence, on the other hand let us guard against exaggerating the importance of the loss. The commercial classes would in any case be liable to corrupting influences. In all countries in times of perilous crises they have too often been found wanting in public virtue. The extinction of patriotism in the professional classes, however, is a more serious loss. Yet even this is far from being ruinous. The most hasty glance will perceive that there are good men (more than enough, thank Heaven) to fill up these gaps in the host of patriotism. There are this moment in Ireland thousands of brave and intelligent young men with life before them, and still undebased by the sordid worldliness which here even more than in other lands besets a successful man. These young men with thoughts freshened and souls alive with faith and eager patriotism, have all the essential qualities which fit men to form the rallying-points of a people in the hour of danger. Such were the men who officered the revolutionary armies of France, and by their giant energy overthrew the outworn fabrics of old European society.

Young men, not equal to those whom we have yet available in Ireland, have led in the present American War, with valour and devotion never surpassed, through battles terrible beyond all precedent, the companies and regiments of the Federal armies. In spite then of any and all untoward issues of the past, our confidence in the national cause should remain rooted and strong. Let the people only strive with might and main to develope and rouse to vigorous life all the intelligence, energy, and virtue they have amongst themselves. Let them do this and they will soon find substitutes within their own ranks for the corrupt and craven classes that have abandoned the cause of their country. To this end, we say, let the people toil day and night. This is what is chiefly requisite in order to make Ireland an independent nation.[4]

[4] This article was written by Luby.

This was the keynote struck by the *Irish People* in 1863, and it may be said that the tone of that journal never fell below the pitch so sounded. Weekly it preached with straightforward boldness, warning the people not to trust to constitutional agitators, or blindly to follow the priests in politics, and, above all, to bear in mind that the deliverance of their country from a foreign yoke was the one great goal worth striving for, dying for.

The Government kept its eye on the Fenian newspaper, and on the Fenian movement generally, but delayed to strike, until a blow might be dealt which should effectually destroy the organization. In September, 1865, the authorities at the Castle deemed that the time for action had arrived; and accordingly, on the 25th of that month, the police entered the *Irish People* office, seized the plant, suppressed the paper, and, finally, arrested its directors. A Special Commission was promptly issued to try them, and on the 27th of November, Luby, O'Leary, "and others" were arraigned on a charge of treason-felony. In the interval between the arrest and trial of the conductors of the *Irish People*, Stephens, the leader of the "conspiracy" in Ireland, had been captured, and had escaped from prison through the connivance of his gaolers, who were Fenians too. He was never retaken.

The trials of Luby and O'Leary quickly turned public attention in England to Irish affairs. During the investigation which ensued, the extent and influence of the Fenian movement—which had penetrated to most parts of Ireland—were made known, and the dangers of civil war to which the country was exposed laid bare. A fact, which also impressed the public mind, was, that those men did not appear before their judges as mean, selfish, adventurous conspirators. They were manifestly high-minded, cultured gentlemen, and all that was proved on their trial showed them to be honest, upright, chivalrous, and patriotic. They bore them-

selves in the dock like men who believed in their cause, and were indifferent to their own fate, provided that cause could be advanced. Asked if he had anything to say why the sentence of the court should not be passed on him, Luby answered, ". . . From the time I came to what some one here called, the other day, 'years of discretion,' my entire thought and being has been devoted to Ireland. . . . And I believe the course I pursued was right. Others, of course, may take a different view; but I believe the majority of my countrymen this minute, if, instead of being tried before a petty jury, who I suppose tried me according to British law; if my guilt or innocence was to be tried by the higher standard of eternal right; if the case was put to my whole countrymen, I believe this moment the majority of my countrymen would pronounce that I am not criminal, but that I have deserved well of my country. I think, when the proceedings of this trial go forth through the press of the world, people will say the cause of Ireland is not to be despaired of, that Ireland is not a lost country. As long as there are men in any country prepared to expose themselves to every difficulty and every danger, and who are prepared to brave captivity, and even death itself, if need be, that country cannot be lost. . . ."

Similarly questioned, O'Leary said, ". . . I have been found guilty of treason—treason-felony. Treason is a foul crime. Dante places traitors in the ninth circle of his hell—I believe, the lowest circle. But what kind of traitors are these? Traitors against kin, country, friends, and benefactors. England is not my country, and I betrayed no friend or benefactor. Sidney was a legal traitor, a traitor according to the law, and so was Emmet; and Jeffreys and Norbury were loyal men. I leave the matter there."

In passing sentence on Luby, Judge Keogh used these words:—

I sincerely deplore that you are placed in this position—a

person who occupied the position and rank of a gentleman, connected with a most respectable family, evidently gifted with great natural talents, I have no doubt highly educated—I cannot but deplore, as must every man, that such a person is placed in so ignominious a position."

In passing sentence on O'Leary, Judge Fitzgerald spoke to the same effect. He said,—

"The charge upon which you have been found guilty is one of the gravest kind, and of the utmost magnitude, for you ought to have known,—you, a person of talents, education, and ability,—you ought to have known that the game you entered upon was desperate—hopeless—".

O'Leary,—Not hopeless.

Mr. Justice Fitzgerald,—It does not at all reduce your guilt that it was of that character. You ought further to have known this, that insurrection in this country, or revolution in this country meant not insurrection alone, but that it meant a war of extermination—

O'Leary,—No such thing.

Mr. Justice Fitzgerald,—You have lost—

O'Leary,—For the present.

Mr. Justice Fitzgerald,—. . . . It is my painful duty to announce to you, that, unless at some future period mercy should be extended to you, your career has virtually terminated. . . . It is a necessary part of my duty—though a painful one—for justice pities while it punishes—to announce to you that the sentence of the court is such as may deter others—we hope it will—

O'Leary,—I hope not.

Mr. Justice Fitzgerald,—Deter them entering on this mad course. . . . The sentence of the court is that you, John O'Leary, be detained in penal servitude for a period of twenty years.

A similar sentence was passed on Luby. Sentences of varying severity—from penal servitude for years to penal servitude for life—were passed upon the other prisoners; and, on the 27th of December, the business of the Commission terminated, for a brief interval. So closed the first act in the drama of Fenianism.

But the blow struck by Lord Wodehouse did not crush the movement. During the year 1866, despite

the arrest or flight of its most distinguished leaders,[5] it went on with vigour and with hope. Such was its strength and activity, that the Executive almost hourly apprehended an attempt at insurrection, and great precautions were taken to prevent this calamity. Numerous arrests were made, piles of arms were seized "three regular manufactories of pikes, bullets, and cartridges" were discovered in Dublin, and the troops were kept in readiness to take the field at any moment. Nor was Parliament inactive in this grave crisis of affairs. On Saturday, the 17th of February, a special meeting of both Houses was convened to consider the proposal of Ministers for the suspension of the Habeas Corpus Act in Ireland. In a full House, crowded with members and strangers, Sir George Grey read a letter from Lord Wodehouse, giving a most alarming description of the state of Irish affairs. The people, he said, were steadily preparing for insurrection. Irish soldiers who had fought in the American War—"men who possessed considerable military experience"—had arrived in the country. There were 500 of such men in Dublin alone, and others were scattered throughout the provinces; Cork, Tipperary, and Waterford were centres of disaffection; and, in short, it needed the most prompt and vigorous measures on the part of the Executive to prevent an outbreak.

Of course the proposal of Ministers was granted. The Bill passed through both Houses on Saturday, and received the Royal assent on Sunday morning. Melancholy to relate, no English statesman, save one, seemed to have thought that this incident—this rush of repressive legislation for Ireland, after the just demands of the people had been for years denied and scorned—was matter for shame and humiliation. The exceptional statesman, I need scarcely say, was Mr. Bright. He felt ashamed and humiliated, and in tones of manly and impressive eloquence, said so. He did not

[5] Stephens escaped to France, after having lain concealed in Dublin for several months.

rise to oppose the Bill; he would not take that respon sibility upon himself. Doubtless the Executive knev best whether it was, or not, necessary to suspend th Constitution in Ireland; but if it was necessary, th fact was a disgrace to British statesmanship. Thi was the argument which Mr. Bright used, and he drov it home in the following telling words:—

. . . . . .

I have not risen to blame the Secretary of State or to blame hi colleagues for the act of to-day. There may be circumstances to justify a proposition of this kind, and I am not here to deny that these circumstances now exist; but what I complain of is this: there is no statesmanship merely in acts of force and acts of repression. And more than that, I have not observed since I have been in Parliament anything on this Irish question that approaches to the dignity of statesmanship. There has been, I admit, an improved administration in Ireland. There have been Lord-Lieutenants anxious to be just, and there is one there now who is probably as anxious to do justice as any man. We have observed generally in the recent trials a better tone and temper than were ever witnessed under similar circumstances in Ireland before. But if I go back to the Ministers who have sat on the Treasury bench since I first came into this House—Sir Robert Peel first, then Lord John Russell, then Lord Aberdeen, then Lord Derby, then Lord Palmerston, then Lord Derby again, then Lord Palmerston again, and now Earl Russell—I say that with regard to all these men, there has not been any approach to anything that history will describe as statesmanship on the part of the English Government towards Ireland. There were Coercion Bills in abundance—Arms Bills session after session —lamentations like that of the right hon. gentleman the member for Buckinghamshire [Mr. Disraeli] that the suspension of the Habeas Corpus Act was not made perpetual by a clause which he laments was repealed.

There have been Acts for the suspension of the Habeas Corpus Act, like that which we are now discussing; but there has been no statesmanship. Men, the most clumsy and brutal, can do these things; but we want men of higher temper—men of higher genius—men of higher patriotism to deal with the affairs of Ireland. I should like to know whether those statesmen who hold great offices have themselves comprehended the nature of this question. If they have not, they have been manifestly ignorant; and if they have comprehended it and have not dealt

with it, they have concealed that which they knew from the people, and evaded the duty they owed to their Sovereign. I do not want to speak disrespectfully of men in office. It is not my custom in this House. I know something of the worrying labours to which they are subjected, and I know not how from day to day they bear the burden of the labour imposed upon them; but still I lament that those who wear the garb—enjoy the emoluments—and I had almost said usurp the dignity of statesmanship, sink themselves merely into respectable and honourable administrators, when there is a whole nation under the sovereignty of the Queen calling for all their anxious thoughts —calling for the highest exercise of the highest quality of the statesman.

I put the question to the Chancellor of the Exchequer [Mr. Gladstone]. He is the only man of this Government whom I have heard of late years who has spoken as if he comprehended this question, and he made a speech in the last session of Parliament which was not without its influence both in England and in Ireland.[6] I should like to ask him whether this Irish question is above the stature of himself and of his colleagues? If it be, I ask them to come down from the high places which they occupy, and try to learn the art of legislation and government before they practise it. I myself believe, if we could divest ourselves of the feelings engendered by party strife, we might come to some better result. Take the Chancellor of the Exchequer. Is there in any legislative assembly in the world a man, as the world judges, of more transcendent capacity? I will say even, is there a man with a more honest wish to do good to the country in which he occupies so conspicuous a place?

Take the right hon. gentleman opposite, the leader of the Opposition [Mr. Disraeli]—is there in any legislative assembly in the world at this moment, a man leading an Opposition of more genius for his position, who has given proof in every way but one in which proof can be given that he is competent to the highest duties of the highest offices of the State? Well, but these men—great men whom we on this side and you on that side, to a large extent, admire and follow—fight for office, and the result is they sit alternately, one on this side and one on that. But suppose it were possible for these men, with their intellects, with their far-reaching vision, to examine this question thoroughly, and to say for once, whether this leads to office and to the miserable notoriety that men call fame, which springs from office or not, "If it be possible, we will act with loyalty

[6] *Post*, pp. 233, 234.

to the Sovereign and justice to the people; and if it be possible, we will make Ireland a strength and not a weakness to the British Empire." It is from this fighting with party, and for party, and for the gains which party gives, that there is so little result from the great intellect of such men as these. Like the captive Samson of old,—

> "They grind in brazen fetters, under task,
> With their Heaven-gifted strength—"

and the country and the world gain little by those faculties which God has given them for the blessing of the country and the world.

. . . . . .

All history teaches us that it is not in human nature that men should be content under any system of legislation, and of institutions such as exist in Ireland. You may pass this Bill, you may put the Home Secretary's five hundred men into gaol —you may do more than this, you may suppress the conspiracy and put down the insurrection, but the moment it is suppressed there will still remain the germs of this malady, and from those germs will grow up as heretofore another crop of insurrection, and another harvest of misfortune. And it may be that those who sit here eighteen years after this moment will find another Ministry and another Secretary of State ready to propose to you another administration of the same ever-failing and ever-poisonous medicines. I say there is a mode of making Ireland loyal. I say that the Parliament of England having abolished the Parliament of Ireland is doubly bound to examine what that mode is, and, if it can discover it, to adopt it. I say that the Minister who occupies office in this country merely that he may carry on the daily routine of administration, who dares not grapple with this question, who dares not go into opposition, and who will sit anywhere except where he can tell his mind freely to the House and to the country, may have a high position in the country, but he is not a statesman, nor is he worthy of the name.

Sir, I shall not oppose the proposition of the right hon. gentleman. The circumstances, I presume, are such that the course which is about to be pursued is perhaps the only merciful course for Ireland. But I suppose it is not the intention of the Government, in the case of persons who are arrested, and against whom any just complaint can be made, to do anything more than that which the ordinary law permits, and that when men are brought to trial they will be brought to trial with all the fairness and all the advantages which the ordinary

law gives. I should say what was most unjust to the gentlemen sitting on that [the Treasury] bench, if I said aught else than that I believe they are as honestly disposed to do right in this matter as I am and as I have ever been. I implore them, if they can, to shake off the trammels of doubt and fear with regard to this question, and to say something that may be soothing—something that may give hope to Ireland.

I voted the other night with the hon. member for Tralee [The O'Donoghue]. We were in a very small minority. [Hear, hear.] Yes, I have often been in small minorities. The hon. gentleman would have been content with a word of kindness and of sympathy, not for conspiracy, but for the people of Ireland. That word was not inserted in the Queen's Speech, and to-night the Home Secretary has made a speech urging the House to the course which, I presume, is about to be pursued; but he did not in that speech utter a single sentence with regard to a question which lies behind, and is greater and deeper than that which is discussed.

I hope, sir, that if Ministers feel themselves bound to take this course of suspending the common rights of personal freedom to the whole nation, at least they will not allow this debate to close without giving to us and to that nation some hope that before long measures will be considered and will be introduced which will tend to create the same loyalty in Ireland that exists in Great Britain. If every man outside the walls of this House who has the interest of the whole Empire at heart were to speak here, what would he say to this House? Let not one day elapse, let not another session pass, until you have done something to wipe off this blot—for blot it is upon the reign of the Queen, and scandal is it to the civilization and to the justice of the people of this country.

The suspension of the Habeas Corpus Act checked the Fenian movement. Many of the leaders fled the country to avoid arrest, others were arrested, and for a time peace prevailed. But towards the close of the year preparations for rebellion were renewed, and fresh proofs were given the Executive that the organization was still alive and active. The Government acted vigorously in dealing with these new symptoms of disaffection and revolt. Fresh regiments were despatched from England to Ireland; all suspected points were watched; armed vessels were employed to guard the coast, and "rifles, bullet-moulds, percussion-caps,

officers' uniforms, revolvers, pikes, bayonets, and other implements of a warlike character were seized in large quantities." [7]

"The hope," said the *Times* in its annual summary, "that the Fenian Conspiracy would be crushed by the punishment of the convicts under the Special Commission, and by the suspension of the Habeas Corpus Act, has hitherto not been realized. The increasing material prosperity of the country has apparently no tendency to diminish disaffection, and the countenance which is afforded to the plot in the United States encourages rebellion by the hope of foreign aid. It is not likely that the ringleaders will succeed in commencing the insurrection which has been long and loudly threatened, but arms are constantly imported in small parcels, American adventurers traverse the country with seditious purposes, and the Government have reason to believe that disturbance would immediately result from the relaxation of constant vigilance."

The Government did not relax its "vigilance;" nevertheless, the beginning of the year 1867 witnessed the "disturbance" which was anticipated.

In the spring, an attempt at open insurrection was made in various parts of Ireland, and intelligence reached the authorities of a plan to seize Chester Castle. But, owing to the vigour of the Administration, and the treachery of informers, the attempted rising was promptly crushed, and the designs on Chester Castle were completely frustrated.

The close of the year, however, was marked by two occurrences which showed that the teeth of the conspiracy were not yet drawn.

On the 18th of September, as a police van containing two Fenians—Kelly and Deasy—was proceeding, under escort, from the police-court at Manchester to the city gaol at Bellevue, it was attacked about three o'clock in the afternoon by a small body of men, armed with revolvers, and led by a Fenian named William Allen.

[7] "Annual Register," 1866, p. 52.

The horses were shot, the driver was seized, the escort dispersed, the crowd of bystanders scattered, the door opened, and the prisoners were rescued. But, in the struggle which preceded this achievement, Charles Brett, the police-constable on guard inside the van, was shot dead by Allen in an attempt, however, not to kill him, but to force the lock of the door.[8] After the rescue, Kelly and Deasy made good their escape; but Allen and two of his principal confederates, Larkin, and O'Brien, were arrested, tried on the capital charge of wilful murder, convicted, and hanged.[9] When asked if he had anything to say why sentence should not be passed upon him, Allen protested his innocence of the crime charged against him. "No man in court," he asseverated, "regrets the death of Sergeant Brett more than I do; and I positively say, in the presence of the Almighty, that I am innocent, ay, as innocent as any man in this court. I don't say this for the sake of mercy; I want no mercy; I'll have no mercy. I'll die as many thousands have died, for the sake of their beloved land, and in defence of it."

This Manchester rescue produced a profound impression on the public mind both in England and Ireland. In the former country—after the feeling of irritation and the desire for revenge occasioned by the catastrophe, while it was fresh in the popular

[8] Shaw, a police-constable, swore, at the trial of Allen, that, "it was his impression that the prisoner fired to knock the lock off. Witness a s nearest to Allen when he was on the steps of the van."—Report of trial of Allen, Larkin, and O'Brien in the "Annual Register," 1867, p. 174.

[9] Two other men, Maguire and Shore (*alias* Condon), were tried with Allen, Larkin, and O'Brien, for aiding and abetting, and found guilty on the same evidence. "We cannot entertain a doubt," said the *Times*, criticizing some misgivings which were raised respecting the justice of the verdict as it affected Shore and Maguire, "that Shore and Maguire wilfully aided and abetted in Brett's murder, and are justly liable for the consequences of that atrocious crime."—*Times*, November 4th, 1867. The Home Secretary subsequently caused an inquiry to be made into the cases of Shore and Maguire, with the result that the former was reprieved, and the latter obtained a free pardon.

recollection, had died out—the occurrence was not regarded in the light of a base or atrocious murder, or indeed, of a murder at all. There was a disinterested daring in the exploit, which, coupled with the unquestionable devotion and self-sacrifice of the rebels, especially of young Allen, evoked, if not a feeling of sympathy, one of regret for their fate; and thoughtful persons asked themselves whether there might not be something, after all, in the grievances, and complaints which drove men thus wildly to risk their lives in the cause of treason.

In Ireland the "rescue" was regarded as gallant and patriotic. Allen, Larkin, and O'Brien were looked on as heroes to be worshipped like Emmett, Tone, the Sheares, and Lord Edward Fitzgerald. Their execution was stigmatized as a "legal murder," and their names were placed on the cherished roll of Irish martyrology.

Commemorative funerals, attended by vast multitudes, were organized throughout the country to honour their memory, and over their graves Constitutionalists, and Separatists, hitherto divided, joined hands. Mr. A. M. Sullivan, long the implacable foe of Fenianism, and the most gifted exponent of Constitutional Nationalism, thus describes the effect produced by what was called the "Manchester murder:"—

> For the first time during years the distinction between Fenian and non-Fenian Nationalists seemed to disappear, and the national or popular element came unitedly and in full force to the front. The Dublin procession was a marvellous display. The day was cold, wet, and gloomy; yet it was computed that 150,000 persons participated in the demonstration, 60,000 of them marching in line over a route some three or four miles in length. As the three hearses, bearing the names of the executed men, passed through the streets, the multitudes that lined the way fell on their knees, every head was bared, and not a sound was heard save the solemn notes of the "Dead March in Saul" from the bands, or the sobs that burst occasionally from the crowd. At the cemetery gate, the processionists formed into a vast assemblage, which was addressed

by Mr. Martin in feeling and forcible language, expressive of the national sentiment on the Manchester execution. At the close, once more all heads were bared, a prayer was offered, and the mourning thousands peacefully sought their homes.

. . . . . .

The Manchester scene called forth the stormiest passion and fiercest invective in the Irish national press. The execution was denounced as a "judicial murder." "The gaoler and the hangman" were declared to be "now the twin guardians of British rule in Ireland." My own journals were amongst the most violent in expression of the prevalent emotion. In poem, prose, and picture we held up the tragic deed as a crime, and called upon the Irish people to encounter the attempt to brand the victims as "murderers" with demonstrations of sorrow for their fate and admiration for their heroism.[10]

Indeed, there can be no doubt that the execution of these men was a very great blunder. It firmly fixed the recollection of the cause for which they had suffered in the popular mind; and their names are to-day a power with which to conjure up the forces of treason in Ireland.

The second occurrence to which I refer was the terrible Clerkenwell explosion.

On the 13th of December, about four o'clock in the afternoon, a Fenian named Barrett placed a barrel of gunpowder close to the outer wall of the Clerkenwell House of Detention, where a comrade named Burke—whose escape had been planned by the organization, Barrett being deputed to carry out the design—was incarcerated. He then walked away, but shortly afterwards returned with a long squib, which he thrust into the barrel. To this he applied a fuse, waited quietly until the squib began to burn, and then departed. He had barely disappeared from the immediate scene of his criminal enterprise when a fearful explosion—"sounding like a discharge of artillery"[1]—took place. Dreadful were the consequences which ensued. Windows were smashed, houses blown down,

[10] "New Ireland," sixth edition, pp. 292, 293.
[1] "Annual Register," 1867.

and the wall of the prison was levelled with the ground. But more awful to contemplate were the disasters to human beings which resulted from this appalling outrage. One man was killed on the spot, and three others died from their wounds immediately afterwards; forty mothers were prematurely confined; twenty of their babes died, and the rest came into the world dwarfed, or otherwise injured. Two women went mad, and 120 persons were wounded, of whom fifteen lost their eyes, legs, or arms.[2]

On the 14th of January, 1868, Barrett was arrested in Glasgow, and promptly brought to London. On the 20th of April, and following days he was tried on the charge of wilful murder at the Old Bailey, convicted, and sentenced to death. In the dock, he delivered a speech, in reply to the usual question prior to the passing of sentence, which, despite the fact that he occupied a position little calculated to evoke sentiments of pity or mercy, produced a deep impression on all who heard it.[3] Having, in a very skilful manner, criticized the evidence adduced against him, pointed out some serious discrepancies in the testimony of the principal witnesses, denounced the informer Mullany with scathing invective, and expressed his regret for the loss of life which had occurred, he concluded thus:—

> I am far from denying, nor will the force of circumstances compel me to deny, my love for my native land. I love my country; and if it be murderous to love Ireland dearer than I love my life, then it is true I am a murderer. If my life were ten times dearer than it is, and if I could by any means redress the wrongs of that persecuted land by the sacrifice of my life, I would willingly and gladly do so.
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> . . . . . .
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> Before that Throne, where the prayer of the peasant is received equally with that of the prince, I will pray for the redemption of my country; and I here express it, as my most

[2] See "Annual Register," 1867, and the *Times*, April 29th, 1868.
[3] The *Times*, April 28th and 29th, 1868.

fervent wish, that her children will never cease to attempt to shake off that yoke which has so long depraved and degraded them—never cease to struggle until the freedom of their country, or the extinction of their race, shall be complete. . . . I want no petitions and no demonstrations to have my life spared; no, never again will I go forth with the brand of Cain upon me! Let no man insult me with the belief that I desire existence with that infamy: let me go to the scaffold and the grave, and there I shall find that justice which here I have been denied. . . . I have already trespassed on the time of the court further than I intended. I have to thank your lordship for the kind and indulgent manner in which you have listened to me. . . . It may appear hard when thus called upon so soon to part with life,[4] but since it is the will of God so to call me, I will meet death without a murmur; and as He in His all-wise way directs all things for the best, I venture to hope that it will please Him to turn even the sacrifice of my poor, worthless life to the account of my poor suffering country. I shall now ascend the scaffold with firmness, strengthened by the consolatory reflection that the stain of murder does not rest upon me, and mingling with my prayers for my soul, those for the regeneration of my native land.

Lord Chief Justice Cockburn, who, throughout the case, and especially during the delivery of the speech from the dock, had treated the prisoner with much indulgence, used these words in passing sentence:—

. . . There is one thing I most readily believe—that you do regret and feel compunction for the immense amount of death, calamity, and suffering which you have caused. I can well believe that you did not contemplate the extensive mischief which occurred. But it is impossible that men could have recourse to such an instrument of destruction as a barrel of gunpowder without having in their minds a pretty clear and accurate forecast of its consequences. . . . It is painful and lamentable, notwithstanding the strong feelings of horror and detestation with which such acts must be regarded, to see a man of your position and your abilities, who might have done so well in life, brought to the position in which you stand, in consequence of having been led astray by a deplorable confederacy. . . .

[4] The prisoner was only twenty-seven years of age.

After the trial, "grave doubts" [5] arose respecting the guilt of the prisoner, and the day originally fixed for the execution was postponed in order that an investigation ordered by the Home Office might be made. But the law ultimately was allowed to take its course, and on the 26th of May, 1868, Barrett was hanged.[6]

Such were the incidents of the Fenian movement which directed English public attention to Irish affairs, and unquestionably hastened the settlement of the Irish Church Question.[7] For many years prior to those incidents, Mr. Bright had, as I have said, stood, alone among English statesmen in the advocacy of the cause of justice to Ireland, but others now followed in the wake of the great orator and political seer. Even the conscience of Toryism seems for a moment

[5] "Annual Register," 1868, Chr. p. 63.

[6] This was the last public execution in England.

[7] "It has only been since the termination of the American War, and the appearance of Fenianism that the mind of this country has been greatly turned to the consideration of Irish affairs."—Mr. Gladstone, House of Commons, March 30th, 1868. And on the 31st of May, 1869, Mr. Gladstone used these words in the House of Commons: "In my opinion, and in the opinion of many with whom I communicated, the Fenian conspiracy has had an important influence with respect to Irish policy; but it has not been an influence in determining, or in affecting in the slightest degree, the convictions which we have entertained with respect to the course proper to be pursued in Ireland. The influence of Fenianism was this—that when the Habeas Corpus Act was suspended, when all the consequent proceedings occurred, when the overflow of mischief came into England itself, when the tranquillity of the great city of Manchester was disturbed, when the metropolis itself was shocked and horrified by an inhuman outrage, when a sense of insecurity went abroad far and wide—the right hon. gentleman [Mr. Gathorne Hardy] was, better than we, cognizant of the extent to which the inhabitants of the different towns of the country were swearing themselves in as special constables for the maintenance of life and property—then it was when these phenomena came home to the popular mind, and produced that attitude of attention and preparedness on the part of the whole population of this country which qualified them to embrace, in a manner foreign to their habits in other times, the vast importance of the Irish controversy."—Hansard, Third Series, vol. cxcvi. p. 1062.

to have been awakened, and Lord Stanley—its most thoughtful and honest exponent in those days—declared, early in the year 1868, that "Ireland was the question of the hour."

[There is one subject], he said, which I suppose at the present moment is hardly ever absent from the mind of any person who takes part in public affairs. I mean the painful, the dangerous, and to us, in appearance at least, the discreditable state of things which unhappily continues to exist in Ireland. We have, indeed, in that country a strange and perplexing problem to solve. I suppose there never was a time when Englishmen of all parties and all classes were more anxious to give all reasonable satisfaction to Irish demands, and even, so far as can be done without national injury, to humour the prejudices of the Irish people. The material condition of Ireland is not bad. Certainly, it is above the average of what it has been in former years; the peasantry are better fed, better clothed, and better paid than they were twenty years ago. . . . Yet it would be idle to deny that discontent is very widely spread, that disaffection is not infrequent, and that there is a portion of the population who regard their connection with England as a burden rather than a benefit. Well, that is a miserable state of things; and yet, when we look for a remedy, who is there that can give us an intelligible answer?[8]

Mr. Bright had given an "intelligible answer" over and over again during a period of at least twenty years—over and over again within that time he had declared that the Irish Question was the question of the Church and of the Land, but he spoke to a heedless public. An "intelligible answer" was now to be given with memorable effect by another great English statesman.

[8] "Annual Register," 1868, History, p. 3.

CHAPTER IV.

THE CHURCH QUESTION IN PARLIAMENT BETWEEN 1865, AND 1869.

WHILE the events related in the last chapter were taking place, the Church Question was again brought before Parliament.

On the 28th of March, 1865, Mr. Dillwyn moved—"That in the opinion of this House the present position of the Irish Church Establishment is unsatisfactory, and calls for the early attention of her Majesty's Government." The motion was seconded by the O'Donoghue, but unhesitatingly opposed by Ministers, Sir George Grey, Home Secretary, declaring that no "practical grievance existed," and that "in attempting to redress the theoretical grievance, a great shock would be given to our laws and institutions." Therefore, he added, "I have no hesitation on the part of the Government in opposing the motion." [1] However, upon this occasion Mr. Gladstone made that remarkable speech which ultimately led to his expulsion from the representation of the University of Oxford. He did not attempt—any more than Sir Robert Peel had attempted in 1844—to defend the Establishment on its merits—indeed, his speech was a weighty condemnation of it—but he did not think that the time for "parliamentary action" had arrived. Knowing well that he had not the force of English public opinion

[1] Hansard, Third Series, vol. clxxviii. p. 402.

at his back, he declined to encourage the hope that he would deal with the subject, when, in fact, he was not in a position so to do. Mr. Grant Duff, who followed Mr. Gladstone in the debate, said: "This debate will be historical, for in the speech of the Chancellor of the Exchequer I see the beginning of the end of the great Irish difficulty." This was a just commentary on Mr. Gladstone's address. The man, but not the hour, had come.

The debate on Mr. Dillwyn's motion was finally adjourned but never resumed.

On the 10th of April, 1866, the question was again revived, and Sir John Grey, member for Kilkenny, moved in a singularly powerful and impressive speech,—"That the position of the Established Church in Ireland is a just cause of dissatisfaction, and urgently demands the consideration of Parliament." But, though Ministers had on the 17th of February rushed the Habeas Corpus Suspension Act through both Houses, and though they had been then appealed to by Mr. Bright to do something for Ireland besides placing her people outside the pale of the Constitution, they refused to support Sir John Grey's motion.

They did not, Mr. Chichester Fortescue said, base this refusal "on grounds of abstract justice," but "upon considerations of common sense, possibility, time, and circumstance." In other words, English public opinion had not yet been sufficiently awakened.

Sir John Grey's resolution shared the same fate as Mr. Dillwyn's motion of the previous year. The debate on it was adjourned and never resumed.

In 1867, the member for Kilkenny returned to the charge, and on the 7th of May moved—"That this House will, on Wednesday, 29th day of this instant May, resolve itself into a committee to consider the temporalties and privileges of the Established Church in Ireland." But the Government of Lord Derby (whose

party had now succeeded to power) refused to entertain this resolution, as Earl Russell's Government had refused to entertain the one of the previous year. The debate, however, was remarkable for a statement by Mr. Gladstone, to the effect that the subject could not be much longer shirked. "I think," he said, "the hon. member for Longford [Colonel Greville Nugent] is correct in his anticipation that the time is not far distant when the Parliament of England, which at present undoubtedly has its hands full of other most important business and engagements, will feel it its duty to look this question fairly and fully in the face, and I confess that I am sanguine enough to cherish a hope that, though not without difficulty, a satisfactory result will be arrived at, the consequences of which will be so happy, that, we shall wonder at the folly which so long prevented it being brought about." But Mr. Gladstone did not think that the time had yet actually arrived for parliamentary interference, and accordingly he took no part in the division which followed, and which resulted in the rejection of Sir John Grey's motion by a majority of 195 to 183. Mr. Bright and Lord Hartington, however, voted in the minority, while Mr. Disraeli, backed by the full strength of the Tory Party, supported the policy of Ascendency.

On the 23rd of May, a Bill continuing the Habeas Corpus Suspension Act was read a second time in the House of Commons without opposition, but not without a vigorous speech from Mr. Bright, castigating Mr. Roebuck, who had made an ill-conditioned attack on Mr. John Francis Maguire, and warning Ministers that the Irish Question was to be settled not by a policy of coercion, but of redress. On the 24th of June, the House of Lords agreed to a motion of Earl Russell for the appointment of a Royal Commission to inquire into the temporalties of the Church; and with this measure, and the Habeas Corpus Suspension Continuance Act, the year 1867 closed so far as the

consideration of Irish grievances by the Imperial Parliament was concerned.

On the 10th of March 1868, the question of Ireland was again brought before Parliament by Mr. John Francis Maguire in a powerful speech praying for a Select Committee to consider the state of the country. The condition of things in Ireland, he said, was well calculated to inspire any thoughtful man with feelings of anxiety and alarm. The country presented the aspect of a nation on the eve of a great struggle. It was occupied by a powerful and well-equipped army, "such as we might expect to see in Poland under Russian rule." Its cities and towns were strongly garrisoned, its barracks were filled to overflowing, and detachments of horse and foot were quartered in districts where the face of a soldier had never been seen before. Even the police barracks had been converted into semi-fortresses "with stanchions, iron shutters, iron doors, and loop-holed masonry." Formidable fleets lay in the principal harbours, gunboats were to be found in the rivers, and remote creeks, and swift cruisers kept watch and ward around the coast. The gaols were filled with political prisoners, and constitutional liberty was "on a par with that enjoyed by the subjects of the Emperor of Morocco, or the King of Abyssinia." Such a condition of things—"sixty-eight years after the Union"—was, he urged, a disgrace to British statesmanship, and it called for the serious and prompt attention of the people, and the Parliament of England.

But this was not the view of the case taken by the Government of Lord Derby. They could not deny that the condition of Ireland was unsatisfactory; but they did not believe that Parliament was called on to interfere, save in the way of passing Coercion Acts, and imprisoning or hanging political offenders. Lord Mayo tried to make light of the Fenian movement, while he was actually governing the country as if in a state of siege in order to put down that movement. He reminded the House that neither the landlords, nor the

clergy were Fenians, nor indeed any of the respectable classes—as if revolutionary movements ever began from above. The organization, he said, was recruited from the lower orders only—"the small occupiers of land," the "uneducated agricultural labourers," the "mechanics and workmen, the shop assistants, and small clerks in towns." No doubt, in "some of the cities in the south, the mass of the people" were ready to sympathize with Fenianism to any extent," but they had "neither leaders, money, nor arms;" and, consoled by this reflection, the Irish Secretary refused to consider the grievances of the Irish people in a just and statesmanlike spirit.

So in like manner Mr. Disraeli. But Mr. Gladstone had now risen to the emergencies of the situation, and feeling that at length he had got the public opinion of England at his back, he declared that the hour had come for doing justice to the people of Ireland. He did not attempt to make light of Fenianism. Indeed, he proved conclusively that, on Lord Mayo's own showing, it was a formidable movement; for the Irish Secretary had admitted that the small occupiers, a large section of the nation "sympathized with it, and that the "population of several large cities in the south were ready to participate in it to any extent." "But," continued the Liberal leader, "the noble earl said that this was a matter of foreign importation, that it came from another land, that it was only the Irish in the United States of America who formed the hotbed of Fenianism. In passing, I think it is but fair to say that, although there may be many things difficult for us to explain with respect to the rather free development of Fenian proceedings in the United States, yet I believe that intelligent Americans are rather in the habit of pluming themselves, just as the noble earl plumes himself, on the fact that Fenianism is a plant of foreign growth; that although it has its development in America, it has its root in Ireland. This is not the point to which I would call the noble

earl's attention; what I would venture to indicate to him is this. To make his argument complete, he told us that the Irish in Australia and the Irish in Canada had no Fenian instincts or impulses. But if that be so, does it not immediately compel us to ask, what is the difference between Ireland and Australia? or what is the difference between Ireland and Canada, which gives one character to the Irishman in Canada or in Australia, and another to the Irishman in Ireland? Well, sir, there are these differences—and grave enough they appear to me to be—that neither in Canada nor in Australia does an Irishman labour under the slightest difficulty with regard to the legal security he enjoys for the fruits of his industry and labour, and in neither of them is he confronted by the spirit, or by the remaining institutions of a hostile ascendency."[2] Thus did Mr. Gladstone announce the new departure; thus did he declare the grievances which, in his mind, lay at the root of Irish discontent —the Land and the Church. Nor did he flinch from declaring the determination at which he had arrived with respect to the latter establishment. "In order," he said, amid ringing cheers from the Irish and Liberal benches, "in order to the settlement of the question of the Irish Church, that Church, as a State Church, must cease to exist."[3] He concluded his speech as follows:—

> We remember the words, the earnest and touching words with which the noble earl, the Chief Secretary for Ireland, closed his address, when he expressed a hope, and uttered a call inviting the Irish to union and to loyalty. Sir, that is our object, too, but I am afraid that as to the means, the differences between us are still profound; and it is idle, it is mocking, to use words unless we can sustain them with corresponding substance. That substance can be supplied by nothing but by the unreserved devotion of our efforts now, in, perhaps, this last stage of the Irish crisis, to remove the scandal and mischief which have long weakened and afflicted

[2] Hansard, Third Series, vol. cxc. p. 1744.
[3] Ibid. p. 1764.

the empire. For that work I trust strength will be given us. If we be prudent men, I hope we shall endeavour, so far as in us lies, to make provision for the contingencies of a doubtful and possibly a dangerous future. If we be chivalrous men, I trust we shall endeavour to wipe away the stains which the civilized world has for ages seen, or seemed to see, upon the shield of England in her treatment of Ireland. If we are compassionate men, I hope we shall now once, and once for all, listen to that tale of sorrow which comes from her, and the reality of which, if not its justice, is testified by the continuous migration of her people; that we shall endeavour to—

> "Raze out the written troubles from her brain,
> Pluck from her memory rooted sorrow."

But, above all, if we be just men, we shall go forward in the name of truth and right, bearing this in mind, that when the case is proved, and the hour is come, justice delayed is justice denied.[4]

With Mr. Gladstone's speech, the interest in the debate practically ceased, and Mr. Maguire finally withdrew his motion, expressing himself, as well he might, "quite satisfied with the results."

Mr. Gladstone, although slow to take up the question of the Irish Church, yet having once done so, went through with it vigorously, manfully.

On the 23rd of March, he gave notice of his three celebrated resolutions on the subject of the Establishment:—

1. That in the opinion of this House, it is necessary that the Established Church of Ireland should cease to exist as an Establishment, due regard being had of all personal interests and to all individual rights of property.

2. That subject to the foregoing considerations, it is expedient to prevent the creation of new personal interests by the exercise of any public patronage, and to confine the operations of the Ecclesiastical Commissioners of Ireland to objects of immediate necessity, or involving individual rights, pending the final decision of Parliament.

3. That an humble Address be presented to her Majesty, humbly to pray that, with a view to the purpose aforesaid,

[4] Hansard, Third Series, vol. cxc. pp. 1770, 1771.

her Majesty would be graciously pleased to place at the disposal of Parliament, her interest in the temporalties of the Archbishoprics, Bishoprics, and other ecclesiastical dignities and benefices in Ireland, and in the custody thereof.

On the 27th of March, this notice was met by a counter notice from Lord Stanley to the effect—"That this House, while admitting that considerable modifications in the temporalties of the United Church in Ireland may, after the pending inquiry,[5] appear to be expedient, is of opinion, that any proposition tending to the disestablishment or the disendowment of that Church, ought to be reserved for the decision of the new Parliament."

On the 30th of March, Mr. Gladstone moved for a Committee of the whole House to consider the Acts of Parliament relating to the Establishment, and upon this occasion he opened up the whole case against the Church, showing, in language which could not be controverted, how signally it had failed as a missionary institution, and how completely, as a "national" Church, it was out of accord with the religious feeling of the vast masses of the Irish people. Lord Stanley met this motion by the amendment of which he had given notice, his speech being simply a plea for the reform, but not the destruction of the Church. A debate, which lasted four days, ensued, and resulted in the adoption of Mr. Gladstone's motion by a majority of 330 against 270 votes.[6]

The House then went into Committee, and, on the

[5] The Royal Commission.

[6] Hansard, Third Series, vol. cxci. p. 941. On the division Irish public opinion was expressed thus:—

Leinster	23	members	voted for	Mr. Gladstone's	motion.
„	12	„	against	„	„
Munster	22	„	for	„	„
„	1	„	against	„	„
Connaught	10	„	for	„	„
„	3	„	against	„	„
Ulster	29 (the full representation)		against		„

(See Sir Colman O'Loghlen's speech, Hansard, Third Series, vol. cxci. p. 1594.)

30th of April, Mr. Gladstone's first resolution was carried by a majority of 330 against 265 votes.[7]

Despite this defeat, Lord Derby, and Mr. Disraeli did not deem it right either to resign, or dissolve, and no alternative was left Mr. Gladstone but to push on with his remaining resolutions, and this he did briskly, and successfully.

On the 7th of May, the two remaining resolutions were carried in Committee without a division; and on the 14th of the same month, Mr. Gladstone asked for leave to bring in a Bill "to prevent, for a limited time, new appointments in the Church of Ireland, and to restrain, for the same period, in certain respects, the proceedings of the Ecclesiastical Commissioners."

Col. Stuart Knox, the Ascendency Member for Dungannon, opposed the introduction of the Bill, and created a good deal of amusement, and made himself extremely ridiculous, by quoting, in triumphant language, a high fallutin' extract from a speech about the "glorious mission of the Irish Church," *etcetera*, which, he said, was delivered by Mr. Gladstone in 1835, but which, it turned out, was delivered by Mr. Whiteside in 1866. The colonel, however, did not show much fight, and after a very feeble display, withdrew his opposition, and allowed the Bill, which is known in history as the "Suspensory Bill," to be read a first time *nemine contradicente*.

On the 22nd of May, the second reading was proposed, when the Tories, and the Irish Ascendency, mustered in force to make a stand for the Church. Mr. Gathorne Hardy led the fight, and moved the rejection of the Bill; but Mr. Gladstone bore down all opposition, and carried the second reading by a majority of 312 against 258 votes.

The House went into Committee on the 5th of June, and on the 16th the Bill was read a third time without opposition. But, on the 29th of June, it

[7] Hansard, Third Series, vol. cxci. p. 1675.

was rejected in the Lords by a majority of 192 against 97.

On the 31st of July, Parliament was prorogued, and on the 11th of November dissolved

The General Election, which ensued, resulted in the return of the Liberal Party to power, and the accession of Mr. Gladstone to office as Prime Minister.

The work of Disestablishment was now pushed forward with vigour. On the 1st of March, 1869, Mr. Gladstone introduced his great measure of redress. Briefly stated, that measure proposed to disestablish and disendow the Protestant Episcopalian Church in Ireland, and to deprive the Presbyterian Church, and the Catholic College of Maynooth, of the grants hitherto enjoyed by them,[8] due regard being had to vested interests. It was calculated that the value of the Church property to be taken possession of by the State would amount to 15,000,000*l.*; and of this sum 10,000,000*l.* was to be given back to the Establishment,[9] the balance to be applied to purposes of general utility in Ireland.[1] Finally, the Act was to come into operation on the 1st of January, 1871, and Commissioners were to be appointed to administer it, and; in fact, to wind up the institution. The first reading was carried on the 1st of March without opposition; but, the motion for the second reading, on the 18th of March, was met by an amendment of Mr. Disraeli's, proposing the rejection of the Bill.

[8] The *Regium Donum*—as the grant to the Presbyterian Church was called—had been first made to that body by William III., and in 1869 it amounted to 45,000*l.* The grant to Maynooth amounted to 26,000*l.*—Mr. Gladstone, Hansard, Third Series, vol. cxciv. p. 443. (Mr. Gladstone stated that the income of the Established Church amounted, in 1869, to 700,000*l.* a year.—Ibid. p. 452.) See also with reference to the *Regium Donum*, and the grant to Maynooth, Dr. Ball's speech, Hansard, Third Series, vol. cxciv. p. 1792.

[9] Mr. Gladstone, Hansard, Third Series, vol. cxcvii. p. 1966; "Annual Register," 1869, pp. 109, 112.

[1] Including the *Regium Donum* and the Maynooth grant, the total sum appropriated by Parliament amounted to 16,000,000*l.*

Nothing, I think, can so completely show the indefensible position of the Establishment as the character of the arguments used by its supporters, in the debate which ensued. No one attempted to defend the Church on its merits; no one asserted that it was a success either as a missionary or a national institution; and no one tried to justify the condition of things by which the Church of 600,000 persons was established, and endowed by the State, while the Church of 4,000,000 of people remained without any such recognition or aid. But the Ascendency, and their English Tory allies took refuge in the trite plea, that to touch the property of the Church would be "confiscation" and "sacrilege;" to sever its connection with the State, a violation of the Act of Union by which that connection was guaranteed.[2] Moreover, Mr. Disraeli declared, that the proposal of Ministers would be followed by results full of peril to the Empire. He never heard of a great act of "confiscation" being carried out "without injurious consequences to the State in which it took place." This was the case when the act of confiscation related to temporal property, but when it was applied to Church property, then graver results must be apprehended. Mr. Disraeli had a great respect for Church property. It was "an intellectual tenure;" a "moral and spiritual tenure;" it was "the fluctuating patrimony of the great body of the people;" and he had a special aversion to tampering with it on that account. In addition, he really did not know to what vicious practices the example set by Mr. Gladstone might lead. "In Ireland," he said, and the extract is a fair example of the whole of his speech—rich in humour, and

[2] The fifth Article of the Act of Union provided, "that the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland, and that the doctrine, worship, discipline, and government of the said United Church shall be, and shall remain in full force for ever, as the same one now by law established for the Church of England."

full of humbug—"In Ireland there are many estates —many large and rich estates, and they belong, most of them, to Irish gentlemen. There are, also, many Irish gentlemen in Ireland, amiable, and accomplished men—the most agreeable companions in the world—who have not large estates, and some of them have no estates at all. After the announcement by the right hon. gentleman [Mr. Gladstone] of this startling principle of sheer forfeiture—without the application to the property of any other machinery to carry out the intentions of the founders—after the proclamation of this astounding principle, what will be the natural course of an Irish gentleman in the position I have described?" Up to this point of his speech, Mr. Disraeli was listened to without interruption or exclamation. The House apparently did not quite see just yet at what he was driving. But here there was "a laugh" from the Liberal benches—the Tory benches were yet wrapped in darkness respecting the ultimate designs of their inscrutable, and always interesting leader. Mr. Disraeli resented the "laugh," and continued with imperturbable gravity to state the "natural course" of the "Irish gentleman in the position I have "described." He said, "His argument would be this [laughter from the Liberal benches]—it is a very serious matter, and it is only by proceeding in this way you can test the validity of the principle—his argument would be this: the Irish gentlemen in the unfortunate position [looking at the Tories] which just now excited the laughter of the House, would attend upon the Minister, and say this, 'We find ourselves in an anomalous position. Our breeding is not inferior to that of our habitual companions; our education is the same; our pursuits are similar; we meet in the same hunting-field; we drink the same claret; we stand opposite to each other in the same dance; and our feelings are hurt by some of our companions having estates of 6000*l.*, 8000*l.*, or 10,000*l.* a year, with broad acres, and extensive woods.

We know well the spirit of the age, that the sentiment of selfishness is not to be tolerated. We do not ask for the estates of our more fortunate companions. All we ask is that you will take the estates away from them, and establish, as one of the great principles of Irish regeneration, social equality; and let all Irish gentlemen, like the Roman Catholic Church in Ireland, live upon voluntary contributions.'"[3] Let the reader judge how hopeless was the position of the Irish Church Establishment—how indefensible upon any grounds of reason, justice, or expediency—when the great genius who commanded the Tory party indulged in badinage, in *blague* of this kind, in defending it. But the Establishment found a more serious champion in Mr. Gathorne Hardy, who summed up the Tory case in one of his usual manly, blustering orations, asseverating that, "believing as I do to the best of my judgment, and to the best of the light of my conscience, that this Bill is alike wrong in the sight of God, and against the interests of my country, I do not hesitate to denounce, and oppose this sacrilegious measure." Nevertheless, the House read the "sacrilegious measure" a second time on the 23rd of March, by a majority of 368 against 250 votes[4]—believing that the time had come for the destruction of an Establishment, which was "the token, and symbol of ascendency,"[5] and whose existence was fatal to the effacement of the painful, and bitter memories which the presence of that ascendency evoked.[6]

On the 15th of April, Mr. Gladstone moved that the Committee stage of the Bill should be taken, but Mr. Newdegate flung himself across the path of the Minister, and raised an honest protest against the destruction of one of the Protestant defences of the Empire, proposing that the House should go into Committee that day six months. The sturdy, if eccentric,

[3] Hansard, Third Series, vol. cxciv. pp. 1675, 1676.
[4] Ibid. p. 2128. [5] Mr. Gladstone. [6] Ibid.

foe of the Papacy was supported in his effort to save the Church at this stage by Col. Stuart Knox, Mr. Lefroy, Mr. Charley, Mr. Raikes, and other men of like "light and leading" in the Tory party, but the Government prevailed, and the Bill was committed by a majority of 355 against 229 votes.[7]

In Committee, on the 16th of April, Mr. Disraeli moved, that the second clause, which provided for the dissolution of the legislative union between the Churches of England and Ireland, should be omitted, thus aiming a blow at the principle of the Bill. But this blow was of no effect, for the clause was retained by a majority of 344 against 221 votes.[8]

The Bill, then, after a discussion which lasted ten days, passed through Committee unaltered in any material respect, and was on the 31st of May read a third time, and passed by a majority of 361 to 247 votes.

On the 14th of June, the second reading was moved in the Lords by Lord Granville, and opposed by the Earl of Harrowby and the Tories. But it was carried, after four days' debate, by a majority of 179 against 146 votes. However, in Committee, and on the Report stage, several amendments were carried against Ministers, the most important being—

(1) The extension of the time at which the Act was to come into operation, from the 1st of January, 1871, to the 1st of May, 1872.

(2) The increase of the sum which was to be given back to the Church, from 10,000,000*l.* to 14,000,000*l.*

(3) The suspension of the distribution of the surplus for four or five years, and the control of its ultimate application by Parliament instead of by the Executive Government, and the Poor Law Commissioners of Ireland.[9]

[7] Hansard, Third Series, vol. cxcv. p. 936.

[8] Ibid. p. 1059.

[9] This amendment was proposed by Lord Cairns, whose speech see, Hansard, Third Series, vol. cxcvii. p. 1228.

(4) The appropriation of the surplus to religious purposes only; some of those purposes to be the maintenance of residences for the clergy of the Catholic and Presbyterian Churches—a proposal which, at the time, was described as a scheme for "concurrent endowment."

The Government strongly objected to all those amendments, and secured their rejection in the Commons by large majorities. But the Lords showed a disposition to stand to their guns, and a collision between both Houses was for awhile imminent. However, a compromise was finally arrived at, and the threatened storm blew over.

The first amendment was abandoned, and the 1st of January, 1871, agreed on as the date at which the Act should come into operation. With respect to the second amendment, the sum of 840,000*l.* was added to the 10,000,000*l.* originally proposed to be given back to the Church. The first part of the third amendment, relating to the suspension of the distribution of the surplus, was given up; and the second part, proposing that the application of the surplus should be controlled by Parliament, accepted; the fourth amendment—the "concurrent endowment" scheme—was abandoned, the Government agreeing that "the surplus should be applied in the main to the relief of unavoidable calamity."[1] Such was the nature of the compromise agreed on by the Government and the House of Lords. The Bill now only awaited the Royal assent, which was given on the 26th of July; and thus the completest measure of justice—judging it both by its intention and effect—ever passed by the Imperial Parliament for Ireland became law.[2] It broke the back-bone of the Ascendency, and, in a large measure, settled the religious question in accordance with the wishes of the nation.

[1] See Lord Cairns' speech, Hansard, Third Series, vol. cxcviii p. 408, *et seq.*

[2] 32 and 33 Vic. cap. 42.

BOOK IX.

THE IRISH LAND ACT, 1870.

CHAPTER I.

THE LAND QUESTION IN IRELAND BETWEEN 1850 AND 1860.

DURING the late Land League agitation,[1] it was frequently said by the landlord party that the disturbances which then prevailed in Ireland were due to agitation. Irish tenants were described as being well disposed towards their landlords, willing to pay their rents, satisfied with the existing condition of things, and inclined to obey the law "if they were only let alone." It was the agitators, the opponents of Land Reform declared, who had roused the country, urged the peasantry to acts of violence, and outrage, and sowed the seeds of discord between the owners and the cultivators of the soil. But those who have done me the favour of reading what I have written respecting the relation of landlord and tenant in Ireland between the years 1761 and 1849, and who may read what I am now about to write in continuation of that painful narrative, will have little difficulty in coming to the conclusion that, whoever were to blame in the quarrel, peace between the two classes had, at no period in the history of the country

[1] *Post.*

for over a century, prevailed. Let me say here, once for all, that it is idle to attempt either to lessen the number, or to extenuate the atrocious character, of the outrages which have been perpetrated by Irish tenants in their struggles against landlordism. The systematic and habitual commission of those outrages have tended to barbarize the country, and to convert one of the kindliest, and most humane of races into a nation of semi-savages. This is a truth which, apart altogether from the question of causes, has to be confessed and faced. Another truth, which has also to be confessed and faced, is that the peasants of Ulster, when aggrieved by the exercise of the landlords' power, have assailed it as fiercely as their brethren of Munster or Leinster. I have already shown that the *Oakboys* and the *Hearts of Steel*[2] were of Ulster origin, and I shall now show that some of the worst agrarian crimes committed in Ireland between 1850 and 1860, were perpetrated in the northern province. It was there that Mr. Mauleverer, Mr. Bateson, Mr. Benn, Terence McCabe, Cargill, Smyth, Gunn, Ellen McIlhon, and Miss Hinds were murdered between 1850 and 1857. It was in Ulster, within the same period, that Mr. Chambre and Mr. Tatlow were fired at, and the former nearly killed; that a bailiff of Mrs. Charlemont, a farmer named Kirk, a labourer named Murray, were beaten almost to death; that a conspiracy was formed to murder Patrick McMahon, and that Eliza Cricker was suffocated by the smoke of an incendiary fire.[3] It was of the peasants of Ulster that the Marquess of Londonderry said, in the House of Lords, in 1850, "they insist upon a reduction of their rents, not according to their landlord's judgment or opinion, but their own valuations; they say they will pay no rents; they menace the collectors, and follow up these proceed-

[2] *Ante*, Book VI. p. 66.

[3] See the "Annual Register," Chr. 1850-57; Committee on Irish Outrages, 1852; and the Irish daily and weekly press, 1850-57.

ings by incendiary fires."[4] "Orangemen and Roman Catholics," he added, "have united together to obtain a reduction of rents, tenant right, and fixity of tenure; and not only to do that, but to force their landlords by intimidation to accede to those objects."[5] It was Ulster peasants who, in the words of the Marquess of Londonderry, "threatened and menaced all those farmers who should dare to take land from which others had been ejected for non-payment of rent;" and it was Ulster agitators—the Presbyterian ministers of Ulster—who "encouraged" the lawlessness of the people by their "furious declamations."[6]

[4] Hansard, Third Series, vol. cix. p. 222.

[5] Ibid. p. 223.

[6] Ibid. p. 224. Lord Londonderry read the following letter to the House:—

"*Ballydown, Banbridge,*
"*February 25th.*

"My Lord,—I am requested by the Rev. William Dobbin to inform you that he has read in the public journals a report of the proceedings in the House of Peers on Friday evening last, and has therefore been made aware of the reception which it pleased your lordship to give his respectful application either to retract or substantiate your previous calumnious assertions respecting the Presbyterian clergy of the County of Down; and in reference to the whole transaction I am deputed to communicate to you that Mr. Dobbin, and many of his brethren, undismayed to be called upon to answer for having committed a breach of privilege of the House of Peers, and undeterred by your attempt to defraud them of the *Regium Donum*, again call upon you to stand forth and either withdraw or make good your assertions aforesaid: should you decline either alternative you should stand convicted of having calumniated a body of men as loyal and as honest as any the Empire contains, and who, conscious of the rectitude of their words, and acts, are equally regardless of your smiles or your frowns, and view with unmitigated scorn your impotent attempt to crush their independent principles. My lord, be wise in time; you may try your hand at privilege and *Regium Donum*, you may sow the wind, but be sure you don't reap the whirlwind, and sigh in vain for that shilling an acre, which, as I said before, and now say again, is all to which, either in law, in equity, or in justice, you are entitled for your land.

"I am, my Lord,
"With all due respect,
"John Rutherford,
"Presbyterian Minister of Ballydown, County of Down."

It was in Ulster that school-houses had to be turned into police-barracks.[7] It was one Ulster county—the County Down—that was described, in the House of Commons in 1850, as a "second Tipperary."[8] It was another Ulster county—the County Armagh—that was described before the Committee on Outrages in 1852, as being "in a most disorganized state," terrorized by "a system of intimidation" which made it "almost an impossibility to get evidence—a regular sworn system among the people to obey the agrarian code of laws."[1] It was in allusion to Ulster that Mr. Hamilton, Crown Solicitor for the North-Eastern Circuit, said that "murders were almost invariably committed in broad daylight," owing to the "sympathy" felt with the assassins, and the consciousness that "nobody dare inform against them."[2] It was in speaking of three Ulster counties—the counties of Monaghan, Armagh, and Down—that Lord Roden said, in 1852, "There has existed for a long time a confederacy—a confederacy of the whole population of the county—which has recently broken forth into some of the most cruel acts which have ever stained the history of any country."[3] With reference to Ulster

He also read the following letter from a gentleman of high respectability. "There is a very bad spirit and feeling prevalent among farmers [in the County Down], agitating tenant right, fixity of tenure, and encouraged . . . by the calumnies heaped on the landlords by many of the Presbyterian ministers, who have preached everything wicked and libellous to their people. Poor Anketel's family have had a narrow escape. If the beds had been fixed into the other window of their bedroom, husband and wife would have been shot in their bed. I understand the attempt to assassinate them was known and talked about in the streets of Comber two days before. The system now is to intimidate, and prevent any person taking a farm when the tenant has been ejected. In short, Down is now a second Tipperary."—Hansard, Third Series, vol. cix. p. 226.

[7] Mr. Napier's speech in the House of Commons, June 3rd, 1850, and *supra*, n.

[8] Hansard, Third Series, vol. cix. p. 226.

[1] Evidence of Mr. Warburton, resident magistrate.

[2] Committee on Irish Outrages, 1852.

[3] House of Lords, February 10th, 1852.

it was written in the "Annual Register" in 1850; "Threatening notices are distributed in all directions, and the North of Ireland presents a scene of terrorism, outrage, and bloodshed equal to the worst times of anarchy."[4] Finally, it was with respect to Ulster, and a bordering county, that, the Speech from the throne, delivered on the 16th of March, 1852, declared: "While I have observed with sincere satisfaction the tranquillity which has prevailed throughout the greater portion of Ireland, it is with much regret that I have to inform you that certain parts of the counties of Armagh, Monaghan, and Louth have been marked by the commission of outrages of the most serious description." So much, then, to show that Ulster was not, thirty years ago, free from the stain of agrarian crime.

But it may be asked under what circumstances were those crimes committed?

1. Mr. Mauleverer was agent to a landlord in the County Londonderry. He was a man whose character, in every relation of life—save that of land-agent—was unexceptionable. In society, he was a pleasant and an agreeable companion, popular among his friends, kind-hearted, and even generous. Such was Mauleverer the man. But Mauleverer the land-agent was quite a different character. He was harsh, inconsiderate, overbearing, and tyrannical. He evicted freely,[5] unfairly raised the rents, and, generally, paid little heed to the complaints and demands of the tenants. On the day of his death an incident occurred in the town of Crossmaglen which may serve to illustrate the two sides of his character—his off-handed generosity and his inconsiderate harshness. He had come to Crossmaglen on this particular day—the 23rd of May, 1850—to distribute among the peasants, according to custom, tickets for permission to cut turf on the bogs on the estate. The

[4] "Annual Register," Chr. p. 199.

[5] He evicted 218 persons in the twelvemonth preceding his death. —Parliamentary Papers, vol. xiv. q. 3698.

price of the tickets was sixpence each. While standing at the door of the hotel, a poor widow approached him, and said, "Plaze, your honour, I have only a fourpenny-bit, and will you give me a turf ticket for that?" He immediately turned on the unfortunate applicant, and, with a shower of imprecations, bade her begone. The hotel-keeper, McDonnell, interceded in behalf of the widow, saying that her story was true, and that she was very poor. But Mauleverer would not brook any interference in the matter, and refused to hear anything further on the subject. However, before starting on his homeward journey, and, as he was about to step on to the car, he pulled a bundle of tickets from his pockets, and, giving them to McDonnell, said, "Here, distribute those tickets; if you can get money for them, so much the better, but if not, it makes no matter." In less than half an hour after he had spoken these words, the unhappy man was brought back to McDonnell's hotel a corpse. While passing through a lonely defile a short distance from Crossmaglen, three men sprang from behind a hedge, and rushed straight for the side of the car on which Mauleverer sat—a shot being meanwhile fired at him, but without serious effect. Mauleverer was not wholly unprepared for attack. He carried with him a stout stick, with a notch on it, and as his assailants approached, he struck at them, hitting the first of the party a severe blow on the head, and taking away on the notch a cluster of hair clotted with blood. However, he was soon overpowered, dragged from the car, and stoned to death. He had on his person a watch and some money, but none of these valuables were touched. The assassins hurried away, and the body of the hapless man was brought into Crossmaglen by the car-driver. No regret or sympathy was shown by the peasants when this dreadful news spread through the town. The next day the corpse of a stranger who had been accidentally killed at the

railway station was conveyed to the village, and the greatest sorrow was evinced by the inhabitants at the catastrophe. But no one cared that Mr. Mauleverer had been murdered. No one offered to aid the authorities in tracing the murderers, and bringing them to justice. No one manifested the least concern in the matter. The police repaired quickly to the spot where the tragic deed had been perpetrated, and there beheld three men moving rapidly across the fields. They instantly gave chase, the men hastened their steps, but the officers captured them. All the fugitives were much out of breath; one of them was covered with blood, and had a deep cut on the head, from which the hair had been removed. They were tried at the next assizes. The constables gave evidence as to the flight, and the condition and circumstances in which the capture was effected. The doctor swore to the cut on the head of one of the prisoners, and the absence of hair on the wounded spot. Mauleverer's stick was produced, with the clotted hair still stuck in the notch; and the doctor said that the hair on the stick was the same as that on the prisoner's head. In fact, a conclusive case was made out against the prisoners. Nevertheless, the jury acquitted them.

The state of public feeling in the neighbourhood of Crossmaglen respecting the murder of Mr. Mauleverer may be judged from the following sentence which appeared in the *Dundalk Democrat*[6]—a journal widely circulating among the tenant class—three months after the occurrence:—"We have during the last week been on a tour through the neighbouring counties, and are assured that the murder of Mr. Mauleverer has been attended with good effects in the neighbourhood of Crossmaglen." The "good effects" were a general reduction of rents, and the cessation of ejectment processes. So much for the case of Mr. Mauleverer.

[6] *Dundalk Democrat*, August 3rd, 1850, and Parliamentary Papers, vol. xiv. for 1852, q. 5268.

2. Mr. Bateson was manager of the Monaghan estates of Lord Templetown. He was, so far as I can learn, a well-meaning man. He wished to "improve" the property, and for that purpose had built a model farm on the estate. But, in the enlargement of the farm, and in other operations, he evicted many tenants, and thus became unpopular.[7] Mr. Bateson, like other well-meaning Irish landlords and agents, erred rather in judgment, and in want of appreciation of the whole situation in Ireland, than in design. It did not occur to him that the parties whom he evicted had no other means of sustenance except the land, and that, as the *Times* once said, "a judgment of ejectment might mean a judgment of death." He went on his way, regardless of the complaints of the tenantry, and unmindful alike of their fate and his own. He kept, however, well within his rights; he committed no act which the law did not allow. He raised the rents, and he evicted, and for so doing he was killed. Driving on the 4th of December, 1851, on the high-road near Castleblaney, he was fired at and badly hit. But the assassins did not leave him to die or recover from the gun-shot wound. As he lay prostrate on the road, they beat him to death. "This is a melancholy thing," said Father McMeel, parish priest of Castleblaney, to a number of peasants whom he had met by the way some short time after the murder had been committed. "It is indeed," they replied; "but if it had not happened, we should all have been tyrannized over or put out;" this was the only answer vouchsafed the reverend gentleman. Two men were arrested for the murder of Mr. Bateson. They were tried twice before a Special Commission. On each occasion the jury disagreed.

3. Mr. Chambre was described before the Committee on Outrages in 1852 as "one of the highest

[7] Parliamentary Papers, vol. xiv. for 1852, q. 2967—2972.

[8] *Times*, May 30th, 1850.

letters of land in the County Armagh;"[9] and for rack-renting and evicting he was fired at in January, 1852, and terribly, though not fatally, wounded. Six pellets were lodged in his neck; one penetrated the skull. In this state he was carried along the road by his brother and servant—the horse having taken fright and run away; but the door of every peasant's house was shut in their faces, and not so much as a drop of water could be got for the wounded man—so terribly had this barbarous struggle of landlord and tenant hardened the hearts of the people. Mr. Chambre finally recovered; his would-be assassins were never brought to justice.

In the same year Lord Charlemont's bailiff was assaulted and nearly beaten to death "within hearing of several *respectable* farmers, not one of whom came to his assistance."[1] About the same time, a plot was formed in the County Monaghan to shoot a bailiff. The police "got wind of the matter," and on the night on which the murder was to be perpetrated, pounced upon the intending assassin as he lay concealed behind a bush. He had a brass blunderbuss in his hands, loaded with forty pellets, and 300 grains of swan-shot—a charge quite sufficient to blow both himself and his unfortunate victim to pieces. He was not in the least abashed by being caught "in the act." "All right," said he to the constable, giving up the gun; "I can only be transported." He was sentenced to two years' imprisonment with hard labour.

4. In 1855, Miss Hinds was killed in the County Cavan. She had recently purchased a property in the Encumbered Estates Court, and by the management of it—especially by her efforts to collect what were deemed "unfair" rents—had given offence to the tenants. She received many threatening letters,

[9] Parliamentary Papers, vol. xiv. for 1852, q. 5890.
[1] "Annual Register," 1852, Chr. p. 7.

and was finally placed under police protection; but the precautions of the authorities did not avail to save her life. On the 12th of October, she was returning from the market of Ballyconnell, and, as the jaunting-car entered the avenue leading to her house, three men, who lay concealed close by, rushed forward, seized the unhappy lady, dragged her from the vehicle, and brutally beat her to death. The murderers were finally arrested, tried, convicted, and hanged.

5. Mr. Benn was a landlord in the County Antrim. He, like Miss Hinds, had offended against the Ribbon code, and in August, 1858, while walking near his own residence, was shot dead by a man hid in an adjoining shrubbery.

One more Ulster outrage, and I close the record of agrarian crime in the northern province for the years 1850-60. In 1859, a man named Haggerty, living in the County Donegal, had given offence by taking possession of a house from which the previous occupant had been ejected, and it was decreed that the house should be destroyed. A strong party of peasants were deputed to execute this sentence. They found Haggerty comfortably seated by the fireside, with a number of children playing about, and their mother engaged in household duties. Seizing Haggerty, they beat him severely, and turned him off the premises. They then proceeded to pull the house down. The woman expostulated, and prayed them to desist, and the children screamed while the work of demolition went on. When it was complete, and the house levelled to the ground, the hapless woman besought the peasants, saying: "Why did you pull down my house?" They answered: "Because your husband Haggerty is a blaguard, and agin the people." "My heaven!" replied the unfortunate woman; "it isn't Haggerty's house at all; 'tis mine." In their eagerness to discharge their commission, and misled by the presence

of Haggerty, these northern insurgents had destroyed the wrong dwelling.

So much for Ulster.

But it must not be supposed that the other provinces were free from agrarian crime during the period with which I am now dealing. Indeed, outrage and murder were but too rife all over the country. In January, 1850, Mr. Ardell, steward to Mr. Falkner, a landowner in the County Tipperary, was shot dead while walking from his principal's house to his own—a distance of a quarter of a mile. In August, of the same year, Mr. Pike, land-agent to Mr. Cassidy, of Monasterevan, in the King's County, was mercilessly beaten to death. Mr. Pike had long been unpopular, and generally went about armed. One day, while walking along a public thoroughfare, in broad daylight, and carrying two loaded pistols and a sword, he was attacked by two men armed with pistols and sticks. A desperate fight ensued. The men discharged their pistols, and Pike discharged his, but without serious result. A hand-to-hand struggle then took place, and the unfortunate agent was knocked down and his brains were battered out with the butt-ends of his own pistols. In September, Mr. North, of Kildiff House, in King's County, a Justice of the Peace, and a Deputy-Lieutenant, was shot dead within a mile of his own residence at four o'clock in the afternoon. In 1851, Mr. White, a landed proprietor in the Queen's County, became involved in a dispute with his tenants respecting the right to cut turf on the estate. He took legal proceedings against them, but the courts decided in their favour. He then appealed, but meanwhile the tenants took the law into their own hands, and shot him. In 1852, Mr. O'Callaghan Ryan, a gentleman possessing landed property in the counties of Tipperary and Waterford, served a number of ejectments on his tenants in the latter county. For this he was doomed to death, and while returning from Dungarvan to Clonmel on the 4th of September he was fired at, wounded,

dragged into a ditch, and beaten to death. The murderer was finally arrested, tried, convicted, and hanged. In October of the same year, Mr. Manifold (agent to Mr. Morris, a landowner in the King's County), who had been engaged in extensive clearances, was shot dead at 6 p.m. within half a mile of a police-barrack. In 1853, a small farmer named Farrell, who had offended against the Ribbon code, was shot dead in his own house in the presence of his family. In the same year, a labourer named March was beaten almost to death with a blunderbuss near the town of of Moate, and a bailiff named Cauley was killed in the County Tipperary. In August, 1854, a farmer named Mullowney was waylaid in the principal street of the town of Nenagh, County Tipperary, dragged from his horse, and then and there killed. In 1855, Mr. Ramsbottom, agent to Captain Humphrey, a landed proprietor in the King's County, was attacked and nearly killed for evicting a number of tenants; and in the same year a farmer named McHall was killed near Castlebar, in the County Mayo. In February, 1856, Mr. Lemon, a landlord in the County Leitrim, was fired at while driving with his wife and family, and seriously wounded. In March, Mr. Callaghan, a gentleman who is described in the "Annual Register" as "a very tyrannical landlord, who had turned out very many tenants," was brutally put to death near his own house in the County Dublin. In October, 1857, Mr. Ellis, steward to Mr. Trant, a landowner in the County Tipperary, was shot dead—a crime for which two brothers named McCormack, who had recently been evicted by Ellis, were hanged.

In 1858, a peasant named Kelly, who had taken possession of a farm from which the previous occupant had been evicted, was shot dead in the County Westmeath. In November of the same year, Mr. Gason, a landlord, and a Deputy-Lieutenant of the County Tipperary, was fired at and dangerously wounded, near the town of Nenagh; and Mr. Ely, of Ballaghmore Castle, in the

Queen's County, was shot dead while walking from his brother's house to his own, at seven o'clock in the evening. In fact, such was the state of the country in 1858, that the "Annual Register" wrote thus:— . . . "The Irish journals are full of reports of outrages committed on the tenantry, threatening letters, burnings,—a frightful picture, but which fails to realize the actual condition of the country; for terror-stricken servitude and untold wrongs make no show."[2]

In April, 1859, a murder occurred in the County Westmeath, under circumstances which illustrate the power of the Ribbon Confederacy. Nearly two years prior to this outrage, a farmer named Kelly had been killed "by order" of the Society. After his death, his wife was put in possession of the farm, and placed under police protection; but, having received many threatening letters, she finally gave up the land, which was handed over to a gentleman named Jessop. Jessop was overwhelmed with threatening letters, and warned "to clear out;" but he held his ground. A guard of police was placed at his disposal, and a temporary police-barrack erected in the neighbourhood for his security; nevertheless, he did not escape the vengeance of the Ribbon organization. Returning one day from market—unfortunately without his escort—he was fired at, and mortally wounded, within a quarter of a mile from the police-barrack which had been built for his protection. "Shocking to relate," says the "Annual Register," referring to this outrage, "the assassination was committed in the presence of three respectable farmers, who not only did not attempt to secure the assassin, but even passed on without assisting the wounded man."[3]

In July, 1859, Edward Brophy was killed on the high road near the town of Tipperary; and William

[2] "Annual Register," 1858, Chr. p. 199.
[3] "Annual Register," 1858, p. 54.

Crowe, an under-agent on the County Limerick estates of Lord Derby, was killed in open day, and in the presence of a number of peasants, near the village of Doon. In September, a farmer named Lynch was beaten to death at Macroom, in the County Cork. In November, John Harlen, agent to Mr. Stackpoole, a landowner in the King's County, was fired at and seriously wounded; a farmer named Hunt was fired at in Tipperary, for taking land from which another had been evicted; and in December another farmer named Kelly was shot dead in the County Westmeath for a similar offence against Ribbon law. But, perhaps, the most shocking agrarian outrage committed in Ireland between the years 1850 and 1860 occurred in the usually tranquil County Clare, in the August of the latter year. Mr. Alderman Sheehy, a native of the County Limerick, had recently purchased a small property at the other side of the River Shannon, and in managing it he evicted some tenants. For his offence against Ribbon Law, the decree went forth that he should die. Mr. Sheehy had built a small cottage on his Clare estate, where he was in the habit of spending a few days occasionally. He kept no servants in this cottage. A woman came in during the day to attend to his wants, and at night he remained completely alone. One night he retired as usual, but never rose again. The cottage was set on fire, and next morning his body was discovered amidst the ruins, consumed almost to ashes.

This is by no means an exhaustive list of the agrarian crimes perpetrated in Ireland during the years 1850-60; and I repeat that, in the face of it, as well as of the facts recorded in Book VI. of the present volume, it is idle to pretend that feelings of kindliness and good-will had ever generally existed between landlords and tenants in Ireland.

But who were to blame? I shall once more let impartial authorities answer. Writing on the 30th of May, 1850, and commenting on the murder

of Mr. Mauleverer, the *Times* used this remarkable language :—

A murder committed in England is evidence only of individual depravity, exciting mere horror in the minds of the public as they read the details of the crime. But, in Ireland, murder is but too often a proof of some great social disease—of some terrible and wide-spread mischief which is undermining the strength of society itself—portending anarchy, and all the terror and misery with which anarchy is inevitably attended; and thus not only exciting horror at the crime itself, but also raising most painful emotions of alarm for the future safety of the social and political institutions under which we live. The murder of Mr. Mauleverer is a crime of this description. It is the hideous result of some fearful wrong.

Having referred to the fact that no sympathy was shown by the peasantry for the murdered man, the article continues :—

Two classes in Ireland stand arrayed in deadly hostility to each other; the proprietors of the land on the one side, the holders and tillers of it on the other. . . . Sympathy for the miseries of each other seems entirely to have left the breasts of both parties. The law, indeed, looks with different eyes upon the acts of the two bands carrying on this deadly strife. But what says that overriding and predominant law which makes the preservation of our lives the strongest impulse of our nature? and what are our emotions instinctively resulting from these great necessities of our being when this tale of mutual wrong and vengeance is related?

Next, having pointed out the distinguished characteristics of Irish landlordism—the financial embarrassments of the landlords, the complete dependence of the tenants on the land, the circumstance that "a judgment of eviction is a judgment of death," and the fact that, when evicted, the tenant's "only alternative is the grave or the workhouse"—the writer goes on :—

What, we ask, are likely to be the feelings of a man cast into the road, with his wife and wailing children around him, without shelter, without food, without hope? Burning indignation is in his heart—ignorant, and mad with desperate recklessness, he turns in his anger on the direct instrument of his

misery. . . . Revenge weaves itself a fatal web of sophistry, and eagerly listens to any suggestion which gives to the gratification of its passion and hate, the character of the wild justice which was long since declared to be the slave's sole protection. Such are the facts which this awful deed has brought clearly before us. And is not society called upon, under such circumstances, to step in to consider the abuse of those rights of property which society has created for the benefit of all? Are we to stand by with folded hands, looking on in mute despair, as if these events were an inevitable necessity—an evil beyond the reach of law or public opinion? Surely we are not justified in adopting such a listless course. If the proprietors of the soil, in maintaining the rights which the law has given them, thus recklessly inflict misery, without stint, upon the helpless and unfortunate peasantry—if they say, that without the perpetration of barbarities which would disgrace a Turkish pasha their rents cannot be collected—if they are to bring in the attorney-multiplying process, and with process multiplying costs, and reducing the peasantry to hopeless slavery—and if they are thus to convert the country into a battle-field for the landlords, and process-servers, and sheriffs, and sheriffs' officers, on the one side, and the furious peasantry and banded assassins on the other, then we say it is the bounden duty of the Legislature boldly to interfere, and either to enforce upon the present landlords the duties while it maintains the rights of property, or to create a new landed proprietary, whose intelligence and wealth will enable them to secure the peace of society, and thus lay the foundation of national prosperity.[4]

The first alternative course here pointed out was that which had finally to be adopted; but it was not adopted until the country reeked with blood, and resembled rather the home of a savage community than the long-held possession of a civilized State.

More remarkable even than the above article is the following statement made to Mr. Nassau Senior by Mr. Trench, agent to Lord Lansdowne, and author of "The Realities of Irish Life." "For the last twenty years there have been numerous occasions on which I have been the object of some deadly conspiracy, and yet I deny that the Irish are a sanguinary people.

[4] *Times*, May 30th, 1850.

There are ten times as many murders committed in England as there are in Ireland. I never take up an English paper in which I do not find murder after murder heading a column. . . . The English ruffian murders for money. He sees a man get change at a public-house, follows him, and beats his brains out for 2*s*. 3*d*. The Irishman murders patriotically. He murders to assert and enforce a principle—that the land which the peasant has reclaimed from the bog, the cabin which he has built, and the trees which he has planted, are his own, subject to the landlord's right by law to exact a rent for the result of another man's labours. In general he pays the rent, generally he exerts himself to pay it, even when the payment is difficult to him; but he resolves not to be dispossessed. He joins a Ribbon lodge, and opposes to the combination of the rich the combination of the poor. . . . I am almost ashamed to say how much I have sympathized with them." [5]

"Why were not these men apprehended?" said Mr. Bright upon one occasion, alluding to the escape of certain agrarian offenders. "The first thing," he continued, "that ever called my attention to the state of Ireland was the reading an account of one of these outrages. I thought of it for a moment, but the truth struck me at once, and all I have ever seen since confirms it. When law refuses its duty, when Government denies the right of the people, when competition is so fierce for the little land which the monopolists grant to cultivation in Ireland, when, in fact, millions are scrambling for the potato—these people are driven back from law and from the usages of civilization to that which is termed the law of Nature, and if not of the strongest, the laws of the vindictive; and in this case the people of Ireland believe, to my certain knowledge, that it is only by these acts of vengeance periodically committed that they can hold in suspense the

[5] Nassau Senior, "Journals relating to Ireland," vol. ii. p. 220, *et seq.*

arm of the proprietor, of the landlord, and the agent, who, in too many cases, would, if he dared, exterminate them. Don't let us disguise it from ourselves, there is a war between landlord and tenant—a war as fierce and relentless as though it was carried on by force of arms." [6]

The agrarian outrages, which occurred during the period now referred to, were caused either by eviction, or the fear of eviction; by exorbitant rent-raising, or the taking of land over the heads of others, as the phrase was; or by petty tyrannies and persecutions on the part of the land-owning class.

In the decade which followed the Famine, Ireland was "a land of evictions." [7] There were wholesale clearances in Ulster, wholesale clearances in Munster, wholesale clearances in Connaught, and clearances on an extensive, or a small scale, right, left, and centre, throughout the country. Between 1849 and 1856, 1,479,916 persons left Ireland, and of these, 259,382, at the very least, were evicted; "in other words," to use the language of Professor Cairnes, "not far from one in every five of the multitudes who have swarmed across the Atlantic had been driven by positive physical violence from their homes." [8] Terrible, indeed, must have been the picture of landlordism, presented to the House of Commons in 1850, when it drew from Mr. Bright the following words: "I say there is not a human being in existence who ought to be more generally scouted than the individual who could commit atrocities like those which have been brought

[6] Mr. Bright, as quoted in Kay's "Social Condition of the European People," p. 317.

[7] Mr. Bright, speech in Dublin, October 20th, 1866. "By 1850," says Mr. Sullivan in "New Ireland," "the eviction scenes had filled the land with uneasiness and alarm."—Sixth edition, p. 143.

[8] Political Essays, "Fragments on Ireland" (commended by Mr. Lecky), p. 193. I quote Professor Cairnes because I am mindful of Berkeley's query—"whether an indifferent person who looks into all hands may not be a better judge of the game than one who sees only his own?".

before the House."[0] In the same year, Poulett Scrope declared that "these evictions appear to provoke the retaliatory perpetration of agrarian crime"—a declaration at which Lord John Russell sprang to his feet, and said, "This is a justification of these crimes." Scrope answered, "I beg to disclaim that imputation, but if the noble lord will give me an opportunity I will prove the fact."[1] The "noble lord" did not give him an "opportunity." "The cabins of the peasantry," said the *Irish Quarterly Review* in 1854, "were pulled down in such numbers, as to give the appearance throughout whole regions of the south, and still more of the west, of a country devastated and desolated by the passage of a hostile army."[2] "Many parts of the western portion of Ireland," said Mr. Bright, in 1854, "presented an appearance which told pretty well that some of the former Governments of that country had been guilty of a great crime towards the sister kingdom."[3]

But, it will be asked, were not these evictions the result of the Famine? were they not caused by non-payment of rent? were they not justified by the circumstances of the times, and is it not unfair to charge the landlords with harshness or inhumanity in respect of them? I shall let Professor Cairnes—a thoroughly impartial, dispassionate, and competent authority—one whose essay on Ireland has been recommended by the greatest and the fairest of living Irish writers—Mr. Lecky—answer these questions.

That there have been landlords in Ireland [says Mr. Cairnes] who, placed in circumstances of unparalleled difficulty, have admirably done their duty, is not, I think, a matter of controversy. The point which has been raised is, whether there has been any considerable number who have failed in their duty; whether the Irish peasantry have to any large extent—

[0] Hansard, Third Series, vol. cix. p. 492.
[1] Ibid. vol. cxi. p. 677.
[2] *Irish Quarterly Review*, March, 1854.
[3] House of Commons, July 6th, 1854.

to such as would influence sensibly the temper of the whole people, and the course of events in Ireland—been treated with harshness and inhumanity by those who were invested with the powers accorded by the law to the owners of the soil; whether they have been driven in large numbers from their farms and homes, and thus forced to swell the tide of emigration. This is the issue which has been raised; and on which a candid consideration of the evidence compels, I think, an affirmative decision. That evidence consists chiefly in the record of evictions, of which the first that have been published are for the year 1849. [He then cites the figures and uses the language which I have referred to above, and continues.][4] This, it must be admitted, is an impressive fact; but to give it its due significance, it should be considered that virtually eviction was carried on to a far greater extent than the recorded returns would indicate. No eviction appears in those returns which has not come under judicial cognizance, and been actually carried into effect by the Executive authorities; whereas it is notorious that a mere "notice to quit" will frequently do all the work of an eviction, and that a single example of the rigour of the law will naturally reduce many tenants to submission, just as a single agrarian murder will spread consternation amongst all the landlords of a district. Bearing this in mind, it must, I think, be allowed that the proportion of the whole emigration of this time, due either to eviction or fear of eviction, must have been very considerable. But it is alleged that two-thirds[5] of these evictions took place for non-payment of rent. Granting that the fact is so, does this constitute their moral justification? Before answering this question, it may be well to recall what an eviction, as conducted in Ireland, commonly is. Most frequently, then, the evicted tenant has for himself and those dependent on him absolutely no means of support, or place of shelter outside his farm. The evictions, moreover, having almost invariably taken place for the purpose of consolidating farms, even where non-payment of rent having been the occasion, and legal ground, the pulling down of the tenant's house has been an almost constant incident in the scene—an incident, too, which is generally performed in the sight, if not over the very heads, of the retiring family, who are thrust forth, it may be in mid-winter, frequently half-naked and starving.[6] In the rare

[4] *Ante*, p. 266.

[5] I.e. 86,988 persons.

[6] Sometimes the tenant is forced, for a valuable consideration—perhaps 1*l.*, or sometimes more—to pull down his own house. In 1850, a man named Hickey, living in the County Kilkenny, got 5*l.* from the

instances in which they have saved enough to procure them a passage to New York, they will probably emigrate at once; where this is not the case, they will cower, often for days and weeks together, in ditches by the roadside, depending for their support upon casual charity. . . . This being what is meant by an eviction in Ireland, the question might be raised, whether the strict enforcement of contracts for rent by such means in such times as Ireland has lately passed through, can be altogether reconcilable with that Christian charity of which we all make such loud profession; whether when a great national convulsion has made performance of contracts impossible, the exaction by landlords of the tenants' pound of flesh is the precise duty which in that crisis they owe their country; in a word, whether the bare plea that rent is written in the bond, ought, under all circumstances, to be taken as a complete discharge from responsibility for any amount of misery inflicted in enforcing it. . . .

Professor Cairnes, then, referring to the subject of "eviction for non-payment of rent," calls attention to the well-known fact, that, in a great many cases, the rent so set down is due by a middleman, and that in turning him out the landlord also evicts the whole of the under-tenants—the actual tillers of the soil—all of whom have paid *their* rents, and are morally faultless in the business.[7]

But evictions occurred in Ireland, during the period now under consideration, which could not, in any sense, be ascribed to the hardness of the times, or non-payment of rent—evictions for the purpose of "consolidating farms" and "improving estates"—evictions through caprice and religious bigotry. Of the first description, the evictions in Galway by Mr. Allan Pollock, where some hundreds of tenants were ejected in order that the landlord might carry out his own views in the management of the estate, may be mentioned.

landlord to pull down his house, and to give up his little holding, a farm of 4½ acres. While engaged in the work of demolition, the house suddenly fell in, and crushed the unfortunate man to death.—The *Nation*, February 2nd, 1850.

[7] Political Essays, "Fragments on Ireland," pp. 191—196.

The effect of these proceedings, as stated by Mr. Patrick McMahon in the House of Commons, on the 29th of April, 1856, was, that the number of police in the district had to be increased, and an additional barrack built. However, so far as I can learn, Mr. Pollock was not a harsh man. He had purchased a property. He wished to make the most of it, and for this purpose he got rid of many of the tenants. He acted well within his rights, but, unhappily, the exercise of the landlord's rights in Ireland only too often meant misery and woe to the tenants—a circumstance which not infrequently indicated rather the mischievous tendencies of the system than the inhumanity of the individual proprietor.[8]

The circumstances of the evictions by Mr. Adair at Glenveigh are well known; nevertheless Mr. Butt's terse and pathetic account of them is worth reproducing.

A few years ago a gentleman purchased in the Landed Estates Court the property of one of the wildest and most beautiful of the highland districts of Ireland. In a valley almost separted from the rest of the world, round a primitive hamlet, there dwelt a peaceful population, who could have probably traced back their generations in the same spot to a period before the Plantation of Ulster. Differences arose between the new-comer and the old inhabitants. A man was murdered under circumstances which gave the new proprietor a pretext to say that it originated in this feud. Under the excuse of punishing the non-detection of the murderer, he "cleared" his estate of every living soul. In vain the Protestant and Catholic clergy joined in a solemn protest against a sentence which they pronounced both as cruel and unjust. In vain they bore their testimony to the peaceful character of the little community whom that sentence doomed to a miserable fate. The proprietor was inexorable in his stern resolve. Nearly 300 human beings were driven out without the prospect or the power of doing anything on God's earth to get them bread. Their mountain homes were levelled to the ground,

[8] On the subject of Mr. Pollock's evictions, see Hansard, Third Series, vol. cxli. p. 1707, and vol. cxlii. p. 698.

and one great sheep farm occupies the district which gave shelter and bread to numbers of human beings.[9]

As instances of eviction through religious bigotry, the following cases may be mentioned: (1) the case of Colonel Lewis, who ejected a tenant in the County Monaghan for not sending his children to a Protestant proselytizing school, and threatened to eject others if his wishes were not complied with;[1] (2) the case of the Protestant Bishop Plunket, who evicted 250 persons for a like reason, and of whom the *Times* wrote, "*We are sorry to say that the evictions of his tenantry by the Bishop of Tuam are by no means a fragrant affair. . . . A Bishop had better sit down and die, or cast himself on the charity of his diocese, than figure to the world in the unseemly character of a wholesale evictor, collecting 'red armies' and 'black armies,' and pulling down houses over the heads of their aged and long-settled occupants . . .*;"[2] (3) the case of Lord Leitrim, who evicted a parish priest, and seized the church at the head of an army of 700 military and police.[3]

In 1857, a landlord in the County Cork, named Jones, evicted a tenant named Bateman, for voting contrary to his wishes at a poor-law election. "I almost drained my purse to the bottom," swore the unfortunate man before the Chairman of Quarter Sessions, "in the improvement of this land, between ditching, fencing, running walls, and fertilizing with man and horse every day of the year." But all was of no avail; he had to quit. "This man," said the judge, "appears to have been a very good tenant; but if Mr. Jones did not like it, he was not

[9] Butt, "Land Tenure in Ireland." See also the chapter on "Glenveigh" in Mr. Sullivan's "New Ireland." The disputes of Mr. Adair with his tenants extended from April, 1857, to April, 1861.—Hansard, vol. clxiii. p. 1490.

[1] See observations of Sir Patrick O'Brien on this subject in the House of Commons, April 27th, 1858; and Abbé Perraud, "Ireland under English Rule," p. 128, and note.

[2] *Times*, November 27th, 1860; also Hansard, March 12th, 1860.

[3] Abbé Perraud, p. 134, *et seq.*

bound to keep him." Another landlord in the same county, and in the same year, served a notice to quit on a tenant because the bailiff on the estate took a fancy to the farm. "And, God bless me, sir," said the judge before whom the ejectment was tried, "why is it he is to be turned out of his land, if he owes no rent and is an honest man and an improving tenant?" Mr. Russell (the agent): "I really cannot tell unless it is to increase the rent. I am acting on instructions." Mr. Gregg (solicitor for the tenant): "Mr. Russell is not to blame; he is perhaps discharging an unpleasant duty." The judge: "I can only say that it appears to me to be a very harsh proceeding." [4]

In 1858, Archbishop Whately made the following statement to Mr. Nassau Senior:—"Lord —— required all the labourers in his employ to send their children to his Protestant schools. They put their case before the priest. They could not starve, they said; what were they to do? He answered that the children might be forced to hear questions on the subject of their faith, but could not be forced to answer them. They might sit mute; and so they did." [5]

A fruitful cause of eviction was disobedience to the "rules" of the estate. Let me give a specimen of these "rules." On a certain well-known estate, the tenants were forbidden to build houses for their labourers, the consequence of which was that men and women-servants, no matter how great their number, had to live under one roof. Upon this estate the tenants were not allowed to marry without the agent's permission. A young couple upon one occasion had the temerity to obey the instincts of their hearts rather than the commands of their feudal lord. They married without the permission of the agent. The two fathers-in-law were punished for harbouring their son and daughter-in-law by the fine of a gale of

[4] Hansard, Third Series, vol. cxlix. pp. 1053, 1054.

[5] Nassau Senior, "Journals relating to Ireland," vol. ii. p. 137.

rent, and the couple had ultimately to fly to America. Another rule was that no stranger could be lodged or harboured upon the estate, and several tenants were warned and punished for giving lodging to a brother-in-law, or a daughter, or other connection or relative. One of the tenants gave a furtive lodging to his sister-in-law while her husband was seeking for work. Once the poor woman was in low fever and approaching her confinement. Even under such circumstances his terror was so great that he removed her to a temporary shed where she gave birth to a child. She remained there for some time. When the "office" heard of it, the tenant was sent for and compelled to pay a gale of rent as a fine, and to throw down the shed. Thus driven out, and with every tenant upon the estate afraid to afford her a shelter, the miserable woman sought refuge in a dry cavern some two miles up in an adjoining mountain and lived there several days. But her presence even there was a crime, and a fine of another gale was levied upon the tenant. His brother, who had a share in the mountain, was also fined as *particeps criminis*.

On another property, the rule existed that two families were not to live in the same house. An aged widow invited her daughter, who had lost her husband, to share her home. For this offence, although occupying a respectable position, she was evicted from her farm, which she had occupied for half a century. I shall give one more instance of the "rules," as narrated in the *Times* of the day:—

"An order had gone forth on the estate (a common order in Ireland) that no tenant was to admit any lodger into his house. This was a general order. It appears, however, that sometimes special orders were given; and one was promulgated that Denis Shea should not be harboured. This boy had no father living. He had lived with a grandmother, who had been turned out of her holding for harbouring him. He had stolen a shilling, a hen—done such things as a neglected twelve-year-old famishing child will do. One night he came to his aunt Donoghue, who lodged with Casey. The latter

told the aunt and uncle not to allow him into the house as the agent's drivers had given orders about him. The aunt beat him away with a pitchfork; the uncle tied his hands with cord behind his back. The poor child crawls to the door of a neighbour and tries to get in. The uncle is called to take him away, and he does so. He yet returns, with hands still tied behind, having been severely beaten. The child seeks refuge in other cabins; but all were forbidden to shelter him. He is brought back by some neighbours in the night, who try to force the sinking child in upon his relation. There is a struggle at the door. The child was heard asking some one to put him upright. In the morning there is blood upon the threshold. 'The child is stiff dead—a corpse, with its arms tied; around it every mark of a last fearful struggle for shelter —food—the common rights of humanity.[6]

So much for the practices of landlordism.

However, it must not be supposed that the differences between landlords and tenants in Ireland were merely differences of detail; that the tenants accepted the basis on which the landed property of the country had been settled, but objected to the manner in which the system was worked. In truth they objected both to the system and the practice. They did not recognize the landlords' absolute right in the property; they did not admit that he could do what he liked with it. They recognized his right to a fair rent, but no more; and they asserted their own right to perpetual occupation, subject to the payment of that rent. As for the fixing of the rent, that, they contended, was a point not to be decided by the will of the landlord; it was a matter—when landlord and tenant could not agree on the subject—to be decided by an independent tribunal. This was the tenant's view respecting the basis on which property in land ought to rest. Of course the landlord's view was widely different. According to it, the land was his, as the goods in a shop were the dealer's. He could do just what he pleased with it. If the rent offered by a tenant was unacceptable to him,

[6] See *Times*, as quoted in Godkin's "Land War in Ireland."

he was not bound to take that tenant, any more than the dealer was bound to part with his goods under what he conceived to be their value. If he considered that the terms of letting should be from year to year, instead of on lease for years, lives, or for ever, that was entirely his affair. Moreover, if he so pleased he was not bound to let the land at all; he could use it as a park, or demesne, and send the tenants altogether about their business. What might become of them in such a contingency was no affair of his, any more than what would become of a man who wanted to buy a hat was to the shopkeeper who declined to accept his customer's offer. So thought the landlord.

Into the question of principles here raised, respecting the basis on which landed property generally ought to be settled, I need not enter. But, assuredly, so far as Ireland was concerned, the views of the landlord were unreasonable and unfair. Why? Because he did not stand towards his tenants in the relation in which buyers and sellers, lessors and lessees, generally stand to each other. This matter was well put by Mr. Horsman in the House of Commons in 1855, when he said, that, "tenants [in Ireland] were compelled to compete for the land, but landlords were not compelled to compete for tenants."[7] In truth, the landlord unfairly commanded the market, because, owing to circumstances which were alike beyond his control and that of the tenants, but which told in his favour, viz., the absence of other modes of industry in consequence of the destruction of Irish manufactures,[8] the demand for land was preposterously in excess of the supply. Land to the tenant was a matter of life and death; to the landlord a possession whose comparative scarcity enhanced its price far above the true value. In fact, the position of an Irish landlord towards his tenants was not un-

[7] Hansard, May 4th, 1855.

[8] Destroyed by England in the eighteenth century.

like that which the possessor of a well in an African desert might hold towards a swarming multitude of Arabs who gathered around panting for a drop of water.[9] In these circumstances, to talk of regulating the relation of landlord and tenant on the basis of "contract" in the ordinary acceptation of the word—that is to say, in the sense of leaving the parties to settle their differences and bargains between themselves—was unjust and preposterous.

But there was another ground on which the views of the landlord, as applied to Ireland, were untenable, viz., that the land which he let was rendered fit for human habitation by the labour of the tenant. This circumstance gave the tenant a claim which struck at the very root of the pretensions of the landlord, and virtually made the former what he contended he was, a partner in the ownership of the property. The landlord spoke of doing what he liked with his own. But, in truth, he wanted to go much farther; he wanted to do what he liked with the tenant's own as well, viz., with the improvements by which the latter had converted the "land" let to him at the commencement of his tenancy, into the "farm" which he gave back at the end.[1] And

[9] "The treaty between landlord and tenant [in Ireland] is not a calm bargain in which the tenant, having offered what he thinks the land worth to him, cares little whether his offer be accepted or not; it is a struggle like the struggle to buy bread in a besieged town, or to buy water in an African caravan."—Nassau Senior, "Journals relating to Ireland," vol. i. p. 29.

[1] "The landlords in Ireland," said Lord Donoughmore in the House of Lords on the 28th February, 1854, "have been in the habit of letting land, not farms." "As a rule," said Judge Longfield before the Committee (of the House of Commons) on the Land Tenure and Improvement (Ireland) Act in 1865, "it is the tenant who improves the land."—Q. 57. "The landlords," says Mr. Nassau Senior, "are unable, or unwilling to expend money on their estates. They allow the tenants themselves to make the provision by building, and reclaiming land from its original state of bog, or heather, or stony field. It is thus that many estates have been created, and almost all have been enlarged by generation after generation of tenants without assessment. It was the tenants who made the Barony of Farney—originally worth

it was the systematic appropriation of these improvements by the landlord, without allowing the tenant one farthing's compensation, which drew from Lord Clarendon the following startling declaration, addressed to the members of the West Herts Agricultural Society on the 27th of September, 1869:—"They were practical men whom he was addressing, and he would ask any gentleman present, if he were to take a farm at will, upon which the landed proprietor never did, and never intended to do anything, and were to build upon the farm a house and homestead, and effectually drain the land, and then be turned out on a six months' notice or less, would any language be strong enough to condemn such a *felonious act* as that? This power was too often exercised, and ought to be abated."[2]

It is not, however, within my province to decide any of the issues raised in the controversy between landlord and tenant in Ireland. I have only to tell the story of the struggle. It is for my readers to say who were right and who wrong in the quarrel.

3000*l.*—worth 50,000*l.* a year."—Mr. Senior, as quoted by Mr. O'Connor Morris (the *Times*' "Special Commissioner") in his "Letters on the Irish Land Question," p. 117.

[2] Before the Committee on the Land Tenure and Improvement (Ireland) Act in 1865, Judge Longfield said that, "If there is a substantial improvement the value of that is taken by the landlord."—Q. 48. And again, he said, "Tenants make improvements with discontent, feeling that the value of the improvements will go to the men who had contributed nothing to them."—Q. 43. Mr. McCarthy Downing said, before the same Committee, "Tenants do not improve, because of the fear of eviction, or a rise in the rents in consequence."—Q. 2741.

CHAPTER II.

THE LAND QUESTION IN PARLIAMENT BETWEEN 1850 AND 1860.

It is said that one fact is worth a thousand arguments; and the fact that in 1852 an Irish Tory Attorney-General introduced a Bill to protect the fruits of the Irish tenants' industry, speaks trumpet-tongued against the misdeeds of the landlords.

On the 22nd of November, 1852, Mr. Napier, member for the University of Dublin, and Attorney-General for Ireland, brought in a Bill to secure to Irish tenants compensation for improvements—prospective and retrospective—made by them in the land.[2] In introducing this measure, Mr. Napier made an able and a patriotic speech. He very frankly told the House the circumstances which had induced him to take up the question. He had for years steadily followed the political career of Mr. Sharman Crawford. He had been impressed by the perseverance with which that gentleman had again and again brought the question of Irish land tenure before Parliament. He had read the proceedings of the Devon Commission, and had finally become convinced by Mr. Crawford's arguments, and the report of that

[1] Mr Napier introduced a series of Bills—in fact a "code"—dealing with the whole subject of the tenure of land in Ireland. I have fully described this code in the "Parliamentary History of the Irish Land Question" (p. 88, *et seq.*) Here I deal only with one Bill (that affecting the tenants) of the code.

body, that a case had been made out for legislative interference. "The whole structure of society" in Ireland was, he declared, in "a vicious state." The wretched tenantry were "neglected by absentee landowners, ground down by middlemen," and "left without any security whatever for their industry and enterprise." That was a condition of things "befitting the idle and improvident man, but altogether unsuited to the honest and industrious occupier." It was, therefore, the business of the Legislature to interpose, and to protect the fruits of the tenants' exertions. It was the tenants, who in the main improved the land, and in the interests of justice and of property itself, the value of those improvements ought to be secured to them. He reminded the House that Sir Robert Peel had said, in 1849, "I see every reason why Ireland, if her position in respect of tenure could be improved, should be most prosperous;" and he urged that it was the duty of Parliament to act upon the suggestion of Sir Robert Peel, and to reform the Land Laws of Ireland. Above all, he said, it behoved Parliament to remember that "when concessions are to be made—provided they are just and wise concessions—the sooner they are made the better." [2]

But we must not blink the fact that, besides the effect produced on Mr. Napier's mind by the arguments of Sharman Crawford, and the report of the Devon Commission, there were other considerations which induced him to take up the question of the Land in 1852. A great land agitation was in progress —an agitation which had arisen under the following circumstances. When Gavan Duffy left prison in 1849, and re-established the *Nation* newspaper, he immediately raised the cry of Land Reform. The cry was not, even at that time, new to the readers of the Young Ireland organ. So early as 1842, —indeed, in the very first number of that journal—

[2] Hansard, Third Series, vol. cxxiii. p. 305, *et seq.*

the subject had been taken up; and year by year afterwards, until the outbreak of 1848, article succeeding article appeared demanding legislative enactments for the protection of the tenants.[3]

[3] See particularly the *Nation*, October 15th, 1842; December 24th, 1842; June 10th, 1843; December 23rd, 1843. In this latter number the *Nation* said, "Fixed tenures and low rents by law or repeal." See also *Nation*, February, 1844; January 3rd, 1846; March 21st, 1846; November 28th, 1846, and a remarkably able article denouncing agrarian murders, while advocating the justice of the tenants' cause, in the number for December 4th, 1847. The article is headed, "Murders." The following poem appeared in the first issue of the *Nation*:—

THE EXTERMINATOR'S SONG.

Air, "'Tis I am the Gipsy King."

'Tis I am the poor man's scourge,
And where is the scourge like me?
My land from all Papists I purge,
Who think that their votes should be free,
Who think that their votes should be free.
For huts only fitted for brutes
My agent the last penny wrings;
And my serfs live on water and roots,
While I feast on the best of good things!
For I am the poor man's scourge!
For I am the poor man's scourge!

(*Chorus of the Editors of the Nation.*)
Yes, *you* are the poor man's scourge!
But of *such* the whole island we'll purge!

A despot, and a strong one, am I,
Since a Drummond no longer is here
To my "*duties*" to point ev'ry eye,
Though of "*rights*" I wish only to hear—
Though of "*rights*" I wish only to hear!
If conspiracies I apprehend,
To throw off my rack-renting rule,
For a "*Special Commission*" I send
To my friends of the old Tory school,
For I am the poor man's scourge!
For I am the poor man's scourge!

(*Chorus of the Editors of the Nation.*)
Yes, *you* are the poor man's scourge!
But of *such* the whole island we'll purge!

In 1849, Duffy returned to the subject. The question of the land was, he said, the question of the hour. Other questions might afford to wait; but it could not. The power of the landlord should be checked; the extermination of the people arrested. He advised the peasantry to establish tenant societies all over the country, and he urged the northern farmers to join hands with their southern compatriots in one great effort to establish fixity of tenure, fair rents, and free sale [4] in every part of the island. The cry raised by Duffy found a sympathetic response in the heart of, at least, one English statesman—Mr. Bright. In January, 1850, a deputation of Irishmen waited on the great orator at Manchester to learn his views on the subject of Ireland. Those views are now so well known that a very brief reference to Mr. Bright's speech on this occasion will suffice. He said, what he has been saying all his political life, that the Irish Question was the question of the Land; and that until the eviction system was overthrown, and the peasantry rooted in the soil by just laws, securing them compensation for their improvements, and enabling them to become proprietors of their holdings, to a larger extent than at present prevailed, peace and prosperity could not be established.

If a Connor my right should deny
To do "what I like with my own,"
For the rascal I've soon a reply,
Into gaol for "*sedition*" he's thrown—
Into gaol for "*sedition*" he's thrown!
Though the tariff is bringing rents down,
Yet more cash from the farmer I'll squeeze,
And, for fear of being shot, come to town,
To drink, game, and intrigue at my ease.
For I am the poor man's scourge!
For I am the poor man's scourge!
(*Chorus of the Editors of the Nation.*)
Yes, *you* are the poor man's scourge!
But of *such* the whole island we'll purge!

[4] See the *Nation*, January 5th, 1850, and up to December, 1852. For a list of evictions, see the *Nation*, February 2nd, 1850.

But the remedy lay in their own hands. Let them "come forth from their quietness;" let them approach Parliament in a manly spirit, and firmly demand the redress of their grievances. They were not without friends in England; and if they were only united, steadfast, and persevering, justice must be done them.[5]

As Duffy wrote in the *Nation*, and Mr. Bright spoke in England, so argued and urged (though with an extravagance of language not used by the Young Irelander, or the English statesman) the Presbyterian tenant-farmers and clergy of Ulster.

The Rev. M. Rutherford,[6] speaking at a meeting in the County Down in January, 1850, declared that the "whole difference between the value of the land in its present state of cultivation, and in its primeval state 250 years ago, was, beyond all contradiction, the inalienable property of the tenant-farmers of Ulster."[7] Another Presbyterian clergyman said at a meeting at Comber, that, "God not only made His own people farmers, but gave them their farms in perpetuity; He gave them fixity of tenure, on which their success and prosperity depended. God," he added, "had permitted the present depression in order to show the utter hollowness of the relation between landlord and tenant." In addition to this, the rev. gentleman called the attention of his audience to the fact that the then owner of the Comber estate—the Marquess of Londonderry—had purchased the property in the latter part of the last century for 30,000*l.*; that the rent-roll at the time of the purchase was 3000*l.* a year, whereas now it was 24,000*l.* "And who had caused this increase?" he asked. "The tenants," was the prompt reply of the meeting.[8] In fine, many speeches of a similar charac-

[5] Gavan Duffy devoted several columns to a report of Mr. Bright's speech in the *Nation* of January 12th, 1850.

[6] *Ante*, p. 251.

[7] At this meeting there were sixteen Presbyterian clergymen and one Catholic priest.—Hansard, Third Series, vol. cviii. p. 1023.

[8] Hansard, Third Series, vol. cviii. p. 1023.

ter were delivered throughout the northern province, and the union of north and south, which Duffy preached, was soon thoroughly established. A Tenant-Right League was founded; fifty [9] Parliamentary candidates were pledged not to support any English party which failed to carry a Tenants' Compensation Bill; and; in a word, a thoroughly vigorous agitation, led by Gavan Duffy, Frederick Lucas, John Francis Maguire, Patrick McMahon, George Henry Moore, and Sharman Crawford, spread throughout the land.

The agitation so inaugurated and sustained enabled Mr. Napier and the Derby Government, of which he was a member, to command an amount of public attention for the consideration of his Bill which could not otherwise be secured.

On the 22nd of November, the Bill was read a first time in the Commons without opposition. On the 16th of December it was read a second time, also without opposition, and then referred to a Select Committee.

In December, the Government, which was defeated on Mr. Disraeli's Budget, resigned, and a Whig Administration, under the Premiership of Lord Aberdeen, succeeded to office. In February, 1853, the Select Committee appointed to consider Mr. Napier's Bill met, and, subject to certain alterations of detail, approved ultimately of the measure, which was read a third time on the 1st of the following August.[1] On the 9th of August, it was read a second time in the House of Lords without opposition, but, finally, dropped by the Government for the session. Early in the ensuing session it was again passed through the Commons; and on the 28th of February, 1854, the second reading was moved in the Lords by the Earl of Donoughmore in a sympathetic speech, and supported by Lord Dufferin in an able one.

I do not think that the speech delivered by Lord

[9] Sir Gavan Duffy—letter *penes me.*

[1] For more details on this subject, see "Parliamentary History of the Irish Land Question," p. 95.

Dufferin on this occasion has always received the attention it deserves. His lordship has sometimes been represented as an advocate of emigration *pur et simple* as the great remedy for Irish ills. But I do not take this to have been his views at any time on the Irish problem. His remedies for Irish discontent seem to me in truth to have been three.

(1) The development of manufactures to ease the pressure on the land;

(2) The protection of the fruits of the tenants' industry to encourage the proper cultivation of the soil; and

(3) A well-managed system of emigration as a temporary expedient to relieve congested districts, and open up new fields of labour and reward to the distressed and downcast peasantry.

Those views will, to a considerable extent, be found in the speech to which I am now referring. In supporting the Bill, he described it "in the main" as a good measure, saying the time had come for revising the whole body of laws by which the relation of landlord and tenant in Ireland was regulated. "It is quite out of the question," he asserted, "that we should any longer transact our affairs in that unbusinesslike and lefthand manner in which both landlords and tenants have been in the habit of indulging; it is absolutely necessary that a distinct understanding should be come to with respect to the rights of each, and that the nature of their connection should no longer be enveloped in that haze of uncertainty which has hitherto been the cause of so much mismanagement and contention." The great fact necessary to be borne in mind in considering the subject was, he said, that the Irish peasant, owing to the absence of manufactures, had been cast upon the land for support; "and if you cut away the land from beneath [his] feet, his next step must be into—space, or at best—into the limbo of beggardom. To each man the possession of a patch of land becomes absolutely necessary to existence. Out of this miserable peculi-

arity arose those two great evils from which most of the crimes and misfortunes of Ireland may be deduced—namely, so intense a competition for land as to make its owners the absolute lords of the market, and leave to the occupiers no alternative but to submit to whatever conditions the former chose to exact." My lords," he continued, "I believe in no free country has the produce of the soil been so unequally divided. I do not mean to say that the money rent has been higher in Ireland than in England. I believe it has not been near so high because the gross produce has been comparatively less; but of that gross produce an infinitely larger share was obtained by the Irish than the English landlords." He then referred to the "custom in Ireland" of the tenant erecting at his own expense those buildings and making those improvements "which" elsewhere were "provided for by the capital of the landlord;" and he urged that this practice "manifestly created on behalf of the tenant a more permanent interest in his holding than if he had only executed such improvements as in their very nature were calculated to make a profitable return within a limited time. Your lordships," he said, "will readily understand that while the tenant at the expiration of a tenancy of fourteen years may have amply compensated himself out of the land for the money sunk in draining, manuring, &c., he could hardly be supposed to have been recompensed for the 300*l.* he may have sunk in building his house, farm offices, &c. Thus, my lords, when prematurely compelled to surrender possession of his farm upon which he may have but five or six years before erected such permanent improvements as the foregoing, no reasonable man can blame a tenant for considering that he is equitably entitled to some claim for compensation on behalf of the house, &c., he cannot carry away on his back with him." Next, his lordship, while expressing his opinion that the relation of landlord and tenant ought, generally speaking, to be regulated on the basis

of contract—each man being left entirely free to make the best bargain he could—considered that in the case of Ireland this general rule should be waived. Why? Because "the very term contract implies the mutual independence of the contracting parties," but "no one would be bold enough to assert that the Irish tenants of former days were in an independent position; between them and their landlords a bargain, in the English sense,—a contract, a stipulation was out of the question." Then, replying to the suggestion that "things ought to be left as they are;" that the "good feelings of the landlords," their sense of justice, their intelligence ought to be relied on, he said: "My lords, I am perfectly aware that such an alternative would be the one most congenial to this House. Your lordships, judging from your own feelings, by your own sense of honour, reflecting on what is your own practice on such occasions, will have difficulty in conceiving the possibility of such injustice being perpetrated as that against which it is necessary to guard. But, unfortunately, my lords, your lordships are not the only proprietors in Ireland; there are men possessing property in Ireland in whose honour, in whose sense of justice, in whose compassion, I for one, my lords, have no confidence whatever." Finally his lordship summed up the case for legislative interference thus: "The argument then which I would venture to urge in support of the tenants' claim for legislative interference is simply this: for circumstances over which the tenantry of Ireland had no control, and for which they were not responsible, it became necessary for them to execute improvements on their farms of a permanent character without being able previously to protect themselves by any adequate contract. To a certain extent, however, a degree of security almost tantamount to that guaranteed by contract was afforded to them by an understanding or custom[2] which, though

[2] E.g. the Ulster custom; see "Parliamentary History," part ii.; also Lord Dufferin's speech.

differing in its *modus operandi* in different parts of Ireland, was, nevertheless, in one shape or another, almost universally prevalent. Latterly, however, in consequence of the great revolution, and the breaking up of the old state of things, which has taken place, these semi-feudal and ill-defined understandings which once existed between a former race of landlords and their tenants is no longer found to give the necessary security, and the tenantry are therefore anxious to substitute for an equitable right under an uncertain custom a legal right under a definite law.[3]

Such were the reasons which induced Lord Dufferin to support Mr. Napier's Tenants' Compensation Bill. Unfortunately, however, for the success of that measure, his lordship's views were not shared by his brother landlords in Ireland. They were hostile to the Bill, and their hostility proved fatal to it. Nevertheless, it was read a second time on this date without opposition. But it was then referred to a Select Committee; condemned by the Committee, abandoned by the Government, and lost. So terminated the efforts of Mr. Napier and the exertions of the tenant right agitators of 1850 and 1854 to bring about a settlement of the Irish Land Question.

Between 1854 and 1860, the political prospects of the Irish tenants grew worse. Year by year their cause lost ground. Session by session Parliament evinced less inclination to recognize their claims and to remove their grievances. In 1855, Lord Aberdeen resigned office, and a new Whig Administration, under the leadership of Lord Palmerston, was formed. But the change of Ministers augured no good for the Irish peasantry. Indeed, the Liberalism of those days was, so far as their interests were concerned, very different from the Liberalism of Lord Melbourne and his times. "Property has its duties as well as its rights," boldly enunciated Lord Melbourne's Under-Secretary at Dublin Castle. "Tenant right is land-

[3] Hansard, Third Series, vol. cxxxi. pp. 38, 41.

lord wrong," said the man who now "reigned and governed" in England.

Lord Palmerston, who was by nature energetic, and indefatigable, played a part in European politics, which implied, if it did not demonstrate, a sympathy with nationalities struggling to be free. But he showed no disposition to do justice to the masses of his fellow-countrymen in Ireland. In 1852, as we have seen, a Tory Government introduced an Irish Land Bill giving Irish tenants compensation for retrospective improvements without limit and without stint.[4] But, in 1855, Lord Palmerston declined, on the reintroduction of that Bill by Mr. Sergeant Shee, to pass the retrospective clause unless its operation was limited to a period of twenty years. In the result the Bill had to be abandoned.[5]

In 1856, Mr. George Henry Moore brought forward a Bill for legalizing and extending the Ulster custom throughout Ireland, but Mr. Horsman, the Irish Secretary of the day, said it would be a waste of time to go into Committee on the measure. It was finally abandoned. In 1857, it was reintroduced by Mr. Moore, opposed by the Government, and again abandoned. In 1858, Mr. John Francis Maguire reintroduced Sergeant Shee's Bill of 1855, but Lord Palmerston vigorously opposed it. "The leading principle of this Bill," he said, "is to transfer the property of one set of persons to another, and a different class. . . . A retrospective enactment, which transfers from the landlord to the tenant that which by law has hitherto been the property of the former, which both parties know, and have always known to

[4] "The right hon. gentleman," said Mr. Horsman, in April, 1855, referring to Mr. Napier, "was not only in favour of the retrospective clause, but he wished it to go back to an absolutely unlimited period."—House of Commons, May 4th, 1855.

[5] The amendment limiting the operation of the retrospective clause to twenty years was moved by Mr. Horsman (Chief Secretary for Ireland) on the 5th of July, 1855, and carried by a majority of 141 to 37 voters.—Hansard, Third Series, vol. cxxxix. p. 464.

have been the property,—an Act which does this is, I conceive, most unjust, and ought not to be allowed."[5] And so thought the House of Commons, for the Bill was rejected by a majority of 200 to 65 votes.[6] Finally, in 1860, an Act, introduced by Ministers, was passed, laying down the principle that the relation of landlord and tenant in Ireland should be based on contract; and that the tenant, while deprived of all claim on account of retrospective improvements, should not be entitled to compensation for even prospective improvements if made without the landlord's consent.

Here was a backward sweep since the days of the Tory Ministry of 1852, and of the Whig Ministry of 1854. In the latter year, Lord Dufferin had declared that, in the peculiar circumstances of Ireland, a contract between landlord and tenant, in the ordinary sense of the term, was out of the question. But six years afterwards, Lord Palmerston insisted that the letting of land in that country should be regulated by ordinary contract principles. In 1854, Lord Dufferin had said that the past improvements made by the Irish tenants entitled them to a permanent interest in the land. In 1860, Lord Palmerston denied that such improvements entitled them to any interest whatever. In 1854, Lord Dufferin protested against the Irish peasantry being helplessly subjected to the control of the landlords. In 1860, Lord Palmerston handed them over bodily to the mercies of that class. But it is proverbial that attempts "to push back the hands of the clock" will not avail to check the progress of time; and Lord Palmerston's effort to arrest the growth of Irish public opinion on the subject of the Land proved a failure. The Act of 1860 was simply ignored by the Irish peasantry, and became a dead letter. To ask the landlords' permission to improve seemed to the tenants a waste of time; while to improve, in the hope that their property thus invested

[5] Hansard, Third Series, vol. cxlix. pp. 1087, 1088.
[6] Ibid. vol. cl. p. 1828.

in the soil would be respected, appeared a perilous speculation. Under these circumstances the agricultural progress of the country remained seriously impeded. In fact, Lord Palmerston's measure of Land Reform of 1860, like Lord John Russell's measure of 1849, left the question of landlord and tenant precisely as it was. And as a result, the unhappy agrarian struggle, which had now endured for 100 years, continued still to be waged.

CHAPTER III.

THE LAND QUESTION IN IRELAND BETWEEN 1860 AND 1870.

THE Imperial Parliament having refused to succour the Irish tenants, the Irish tenants once more sought protection from the Ribbon Confederacy, and the consequence was that outrage and murder again pervaded the land. In 1861, a man named Shiels, who had taken a farm in the King's County from which the previous occupant had been evicted, was shot dead while sitting with his wife by his own fireside. This is one of the many cases which may be cited to show that Ribbonmen have long memories, and are inexorable in their resolves. The eviction in question had taken place a long time previously; and, in the first instance, a peasant named Hickey was put in possession of the vacant holding. The Ribbon Society immediately gave Hickey a "notice to quit." But Hickey refused to comply with this mandate, whereupon he was marked out for punishment, and shortly afterwards received such an unmerciful beating from the emissaries of the organization, that he determined to run no further risks, and finally gave up the land. Shiels succeeded him, and, on taking possession, was also warned to depart, but he neglected the warning. He then received a threatening letter, declaring; "We will not be beating you as we did Hickey, but *one finger* will do the job for you." Nevertheless, Shiels held on. "They won't beat me anyhow," he said to his wife one day; "but they may

shoot me." They did shoot him; and so strong was the popular feeling against the unfortunate man in the district, that not a soul would respond to the piteous entreaties of his unhappy wife as she ran from house to house beseeching aid for her dying husband. In the same year, another farmer named Drineen was shot dead within a stone's throw of his own house near the town of Callan in the County Kilkenny. But it was reserved for the year 1862, to mark an epoch of exceptionally bad eminence in the history of Irish agrarian crime. The "Annual Register" refers to that period as one of "murders, homicides, beatings, and outrages." And Mr. Justice Fitzgerald presiding at a Special Commission in Limerick—for it was a period of Special Commissions too—said that it "would be impossible" to fix upon any date during the past thirty or forty years, in which so many terrible crimes had been perpetrated. "In truth," says the "Annual Register," "in reading the accounts of murders, homicides, and outrages in Ireland contained in the journals of this time, one would conclude that civil society had been broken up, that law had ceased, that the influence of religion was gone, and that a reign of fierce passions had commenced."[1] It was during this year that the murders of Thiebault, Fitzgerald, Maguire, Jessop, and Braddell occurred—murders which still linger in the popular recollection, and which shocked the public mind as it had scarcely been shocked for nearly half a century before.

Mr. Thiebault was a French gentleman, and a Catholic, who had purchased a property near Rockwell in the County Tipperary, where he had been previously engaged as agent to his brother, a more extensive landowner. In the management of his brother's property, and his own, Mr. Thiebault had evicted some tenants, and was in consequence threatened "with the death of a Roe"—a former proprietor of Rockwell, who had, fifteen years

[1] "Annual Register," 1862, Chr. pp. 124, 125.

before, been murdered near his own house. He did not disregard the threatening notice. He went about armed, and was usually attended by a servant. But, on the day of his death, he left the servant behind, and, with a double-barrelled fowling-piece on his shoulder, sauntered out for a ramble through the fields. On his way homewards, about four o'clock in the evening of an April day, and within a short distance of his residence, and of a police-barrack, a man sprang from behind a hedge, struck him with a pitchfork on the head, splitting his skull open, and, then seizing the fowling-piece, lodged its contents in his body. An evicted tenant named Hallaron was tried for this crime, and acquitted—a result which was hailed with tumultuous applause by a crowd of peasants gathered outside the court-house awaiting the verdict.

Mr. Fitzgerald was a landowner in the County Limerick, who had also offended against the Ribbon code by evicting some tenants. One day, while he was walking with his wife close to his own house, a man rushed boldly up to him, and said, "Stand; I want your purse!" Mrs. Fitzgerald clung to her husband's arm, and said, "Oh, give him everything, and come away." But Mr. Fitzgerald, rightly suspecting that his assailant was no highwayman, refused to stir, and said, "I have no purse; what do you want?" "Your life," replied the man, drawing a pistol from his pocket, and, without further parley, shooting his victim through the heart. A desperate character named Beckham was arrested, tried, convicted, and hanged for the crime.

Jessop, a landlord in the County Meath, was shot for evicting. Maguire, a tenant in the County Tipperary, was stabbed to death for taking the farm of an evicted peasant.

But, of all the outrages committed in 1862, none created such a sensation, or produced so wide-spread a feeling of alarm as the murder of Mr. Braddell. Mr.

Braddell was a land-agent in the County Tipperary,[2] who, by reason of the wholesale evictions carried on by him after the famine of 1847, had become notoriously unpopular. In the work of eviction he was helped by a bailiff named Hayes, who was as thoroughly detested as his employer. In time a coolness sprang up between master and man, and ended in the dismissal of the latter from his post. Mr. Braddell's dislike to Hayes seems by degrees to have extended to the members of Hayes' family, and led ultimately to the eviction of his son. Young Hayes was replaced in his holding by a man named Quinlan, who was murdered before he had been a twelvemonth in possession. Hayes junior was arrested and tried for this offence. One of the principal witnesses for the Crown was Braddell, who swore "hard" against the prisoner, but the jury found a verdict of "not guilty." The result of the trial much irritated the agent, and greatly increased his feeling of ill-will towards the former bailiff—for he felt that he had been thwarted in the management of the estate; he believed that the prisoner was guilty, and that the "finding" was a personal defeat and injury to himself. Thus exasperated and incensed, he resolved to be revenged on the father for the misconduct and the crime of the son. In March, 1862, he served the former with a notice to quit. In the following July he came to the town of Tipperary to collect the "gale" rents. He was seated in his hotel at mid-day, on the 30th of that month, when Hayes appeared before him to ask leave to remain on the land. "Will you," he said to Mr. Braddell, who was attended by the new bailiff, "let me remain on the farm?" Braddell made no reply, whereupon Hayes repeated his request, urging its acceptance with great vehemence. "I'll have nothing to do with you!" at last said the angry agent. Hayes immediately drew a pistol from his pocket, and with the greatest

[2] He was by profession an attorney, and resided in the City of Cork.

coolness and deliberation lodged its contents in the abdomen of his victim; he then walked calmly out of the office, sauntered for a while about the streets, and finally disappeared.[3] Braddell succumbed soon to his wounds; the police were quickly put on the alert; the whole country's side was scoured in search for Hayes; a cordon was drawn around the greater portion of the county to prevent his escape; the ports were watched, and the whole machinery of the Executive was set in motion to arrest him, but in vain—he has not to this day been captured. Hated by the peasantry as Braddell's bailiff, he was protected and safe-guarded by them as his "executioner."

The agrarian storm of 1862 was succeeded by a comparative calm, which lasted while the Fenian movement was at its height. The connection between the growth of Fenianism and the decrease of agrarian crime is curious, but explicable. The Fenians did not very much interest themselves in the subject of the land; the *Irish People* did not preach a land war; it preached open war against England. The Land Question was not, of course, to be ignored; but the popular attention was not to be rivetted on it, to the exclusion of other equally or even more important topics. It was a part, not the whole, of the Irish Question: the whole of the Irish Question was the existence of English rule in the island. That was the thing to be got rid of, and the people were not to be taught that the mere destruction of landlordism would suffice to regenerate the country. An independent Ireland was the only goal worth striving for; a sentiment of separatist nationality the only feeling worth fostering; but an independent Ireland could never be established by shooting landlords from behind hedges; and the sentiment of nationality—

[3] The new bailiff, and a tenant were in the room when Hayes entered, but the latter had left before he fired the fatal shot.—"Annual Register," 1862, Chr. 154. See also *Freeman's Journal*, August 2nd, 1862.

which was a pure and a holy sentiment—could never flourish in an atmosphere polluted by the crimes of the habitual and systematic assassin. These were the doctrines taught in the main by the *Irish People*, and they reached precisely the class by whom agrarian outrages were committed. Lord Naas, in a speech to which I have already referred,[4] said that Fenianism had infected the small farmers and the farmers' "boys;" and Sir George Cornewall Lewis, in his "Irish Disturbances," states that Whiteboyism and Ribbonism were recruited from the same source. However, whether the advance of Fenianism and the decline of Ribbonism was merely a coincidence, or the operation of cause and effect, the fact is that as the one movement progressed the other gradually subsided. For instance, the number of agrarian outrages in 1862 was 363, and the outrages themselves were of the most aggravated type; while in 1865, when Fenianism had become a power, the number fell to 178; and in 1866, when an immediate rising was projected, the number reached the lowest figure on record, viz., 87; in addition, the outrages, both in 1865 and 1866, were comparatively of a mild form.

After the Fenian movement had been for the time crushed, the spirit of agrarian insurrection revived, and outrages and murders became once more matters of habitual occurrence. Between 1868 and 1870, the violent attack on Mr. Scully, at Ballycohey, in the County Tipperary, the murders of Mr. Fetherston, Mr. Baker, Tracey, Mr. Tarleton, and Anketell, the attempted murder of Mr. Warburton, and the armed demonstration against the Messrs. Vincent, took place.

The circumstances of the attack on Mr. Scully are well known. He was a gentleman whose conduct towards his tenants seems to have been generally condemned. He was despotic, passionate, capricious, and unjust. In 1847, he had been tried on a charge of shooting at two peasants, but was acquitted; in 1865,

[4] *Ante*, p. 237.

he was sentenced to twelve months' imprisonment for beating the wife of a tenant. He crowned his foolish, and almost mad career in 1868, by endeavouring to force on his tenantry a lease, by which they were to forego their common-law rights to their own crops, to pay all rates and taxes, to pay their rents quarterly, and to be always half a year in advance in their payments. The tenants refused to sign this remarkable document, and Mr. Scully, in consequence, resolved to evict them. In August, 1868, he proceeded with a driver, a bailiff, and five policemen, to take possession of their holdings. The peasants gathered around, and, with angry looks and menaces, watched the movements of the evicting party. The police—who do not appear to have had much sympathy with Mr. Scully—advised him to desist, for the day at all events, in his march; but he declined to take their advice. He was "monarch of all he surveyed;" there should be "none his rights to dispute!" In this frame of mind he arrived at the house of a man named Dwyer, where ample preparations had been made for his reception. The house was deserted, and Dwyer and some peasants had taken up their position in a loft, in an outlying barn commanding the house; this they had barricaded, completely closing up the front, and improvising "port-holes," after the manner of a regularly-constituted "fortress." The teachings of the Fenians had not been lost on these Tipperary peasants. This was to be no hedge-shooting business, no stealthy splitting open of skulls with pitchforks, but regular warfare; Scully and his escort were to be met face to face in "battle array." On arriving near the premises, Scully sent the driver and bailiff into the house to demand possession, but they returned to say that no one was there. Then the whole party advanced, and quickly descried the garrison of the barn. "Give me possession," demanded Scully. "Get out of the house," retorted Dwyer, "or we'll blow your brains out!" Scully, to do him justice, was no coward, and he determined to stand his ground, and

fight like a man. The police were ordered to advance and dislodge the peasants from the loft, but the latter were fully ready for action, and at the first demonstration of Scully's escort, they fired a volley, which almost immediately disabled the whole party—killing the bailiff and one policeman, and dangerously wounding Scully and the rest. The result of this engagement was the rapid retreat of the attacking force, the subsequent condemnation of Scully's conduct and of the law of landlord and tenant generally by the coroner's jury who returned "an open verdict," and, finally, the disappearance altogether of Mr. Scully from the County Tipperary.[5]

Mr. Fetherston, a landowner in the County Westmeath, had raised the rents on a moorland which had been reclaimed by the tenants. The tenants objected to the increased rental and refused to pay, whereupon they were evicted. One day shortly afterwards, Mr. Fetherston was shot dead while driving from a neighbouring railway-station to his own house. Mr. Baker was a landlord in the County Tipperary; he also had evicted some tenants, and was also shot dead. Tracey, a small farmer in the County Tipperary, had had his throat cut for offending against Ribbon law by taking the holding of an evicted tenant. Anketell was killed in the County Westmeath for a like offence; and Mr. Tarleton, another Westmeath landed proprietor, was shot dead for evicting. Mr. Warburton was a landowner in the Queen's County, who had capriciously raised his rents, and wrote besides to one of his tenants reflecting on him as "you Roman Catholic!" A short time afterwards he was fired at, and badly wounded. The Messrs. Vincent were joint landed proprietors in the County Tipperary. They were desirous of effecting a partition of the estate, and for the purpose of carrying out their views, they sent some surveyors to value the land; but the surveyors were met by a band of armed peasants with blackened faces, who drove them *vi et*

[5] He sold the property to a Mr. Moore.

armis off the ground, firing shots over their heads, and making other hostile and threatening demonstrations. In fine, the authority of the Irish landlord of 1869 was generally repudiated, and his "right to do what he liked with his own" questioned and assailed. "The agrarian murders of the last eighteen months," says Mr. O'Connor Morris, the able and well-informed Special Commissioner of the *Times*, writing on the 4th of November, 1869, "have struck terror into the hearts of thousands, and influenced the administration of hundreds of estates;"[6] and he explains the principle on which those murders were committed thus: "[The object of all]," he says, "was to maintain the title of the tenant to the holding, according to a popular standard of right, and to punish those who attempted to disturb it."[7]

I have now traced the history of the struggle between landlord and tenant in Ireland, from the year 1761 to the year 1870, and there can be no doubt but the record is a ghastly one. And yet the Irish landlords of 1870 did not see anything in the character or circumstances of their relations with their tenantry which called for legislative interference or amendment. "Oh, it works very well in practice," some of those gentlemen said to Mr. O'Connor Morris, when he attempted to point out to them the defects in the existing system. "Works very well in practice!" and this at a time when there was scarcely a landowner in the country who could exercise his "rights" except at the imminent risk of having his skull split open with a pitchfork, or his body riddled with bullets.[8] However, English public opinion was now thoroughly aroused to the exigencies

[6] "Letters on the Irish Land Question," p. 231.

[7] Ibid. p. 31. "It is a most significant fact that, excepting Wexford, agrarianism in the south of Ireland has prevailed in the counties abounding in English blood; it is, in truth, alien to the genius of the aboriginal race."—O'Connor Morris, "Letters on the Irish Land Question," p. 267.

[8] Mr. O'Connor Morris states that landlords used to leave the country before beginning an ejectment.—Ibid.

of the situation. The Fenians, who had directed the attention of the English people to the question of the Church, directed it also to the question of the Land; and measures of reform in the one case, were followed by similar measures in the other.

Your relations with your tenantry, the English public said, in effect, to the Irish landlords, are a disgrace and an injury to the Empire. You have been at war with each other for a hundred years, and, so far as we can see, if left to yourselves, you are likely to remain at war for a hundred more. It is time, then, for the State to interpose, and put an end to a conflict which has been attended with results disastrous alike to England and to Ireland.

England did not overthrow the old Irish tenures, and establish a new land system in order that Irish civilization might be arrested, and Irish dislike to England intensified and eternized. She did not found a new race of landlords for the purpose of making the country a national danger and a national reproach.

It was the policy of England to Anglicize Ireland, and make the two countries one in sentiment and interests. But the landlords have not helped that work; on the contrary, they have obstructed it. For nearly two hundred years Ireland has been governed for and through them, and the result is—Irish hatred of England, and rebellion against the law.

A change must now be made. The old methods of government have not succeeded; new methods must be tried. Government by landlordism, to the exclusion of popular influence, has broken down; government by the people, tempered by Imperial control, must be substituted.

Nor does it lie within your province to object to a change of methods. All that Irish landlordism is, the State has made it; and what the State has made the State can unmake. But for the help of England, the landlords of Ireland would long since have been exterminated. That help was given to them unsparingly

and incessantly. Their every wish was gratified. English soldiers were given them to collect their rents; English statutes passed to strengthen their authority; Coercion Acts multiplied to appease their fears, and place the people completely in their power; but, despite all, they have completely failed to make the nation loyal.

And you, the landlords of to-day, are as much out of sympathy with the masses of the Irish people, as much opposed to every effort designed to ameliorate their condition, and make them good and loyal subjects, as were your predecessors fifty or a hundred years ago. As they acted, you act; as they thought, you think. They resisted all measures of just government; you do the same. They tried to maintain a hateful system of Ascendency, and so do you. They assailed, or held aloof from every English ruler sent to Ireland with a message of peace, and you exhibited a like disposition. They assailed Fitzwilliam, Lamb, Wellesley, and Drummond, and you to-day stand aloof from Lord Spencer because you believe he is the bearer of pledges which will gladden the heart of the nation.[9]

Neither have you introduced any changes for the better in the practices of landlordism. Although the old practices have been condemned again and again by Select Committees and Royal Commissions, you still adhere to them. You make no improvements in the soil, any more than did your predecessors; and you, like them, confiscate the improvements made by your tenants.[1] You give no leases to your tenants;

[9] With respect to the disposition of the Irish landlords to boycott Lord Spencer in 1869, see O'Connor Morris, "Letters on the Irish Land Question," p. 180.

[1] Mr. FitzGibbon, one of her Majesty's Masters in Chancery, wrote thus respecting the practices of Irish landlordism in 1869: "The people who have thus imperfectly reclaimed bog and mountain seldom hold by lease. When they come under rent they do so as tenants from year to year, liable to be turned out at a six months' notice to quit. As soon as the poor tenant has brought his farm to that degree of fertility which enables him to pay a rent and live, all further improvement

you afford them no security of tenure whatever; you allow them to struggle and toil in the improvement of your property; you raise the rents in proportion as the value of that property is increased by their exertions, and you evict them without any compensation for their labour and capital sunk in the soil—without any recognition of the services which they have rendered you in adding to the wealth of your estates.[1] Moreover, you are not only indifferent to the special circumstances which, in Ireland, give the tenants special claims on the consideration of the landlords—viz. that land there is the only source of industry and livelihood for the masses of the people—but you actually trade on those circumstances; letting your farms—for which the demand is, substantially, unlimited—to the highest bidders, regardless of the rent which, in justice and fairness, ought to be paid, and unmindful alike of the paying capabilities of the incoming, and the obligations which you may in honour and morality have contracted towards the outgoing, tenant.[2]

is studiously avoided as a thing which the tenant believes will only increase his labour to produce a larger rent for the sole benefit of the landlord, whom he regards as a vigilant spy upon every symptom of ability to pay more rent."—Master FitzGibbon, as quoted in Mr. O'Connor Morris's "Letters on the Irish Land Question," p. 83.

[1] "I have heard of cases," says Mr. O'Connor Morris, "in which an incoming tenant has been capriciously evicted, though he paid his rent, and though, perhaps, he had invested 10*l.* an acre as a premium for merely obtaining possession."—"Letters on the Irish Land Question," p. 23. Again, Mr. O'Connor Morris says: "I write with a set of contracts before me of a singular and iniquitous kind, which a proprietor has lately endeavoured to compel his tenants at will to sign, in order evidently to deprive them of even the scanty protection of the Common Law, and to free himself from the implied obligations which local usage would impose on him."—Ibid. p. 114. On the subject of improvements the same writer says: "In Ireland, where, in most cases, what is done in the way of improving the soil is done by the tenant, not by the landlord, and where the tenant, in the majority of instances, has not risen to the *status* of a free contractor, the law is in the highest degree unfair; it refuses to protect what is really the property of the tenant added to the holding, and exposes it to unredressed confiscation."—Ibid. p. 148.

These are the practices which have made you unpopular, and rendered your lives insecure; which have reduced the Irish peasants to a condition of semi-barbarism, checked the proper cultivation of the soil, undermined all attachment to law and order, and reared up enemies to the Empire in its very heart. These practices must now be changed. The protection which you decline to afford your tenantry, the State shall give them. The rewards which you refuse to industry, the State shall bestow. The duties which you neglect, the State shall enforce. The justice which you deny, the State shall grant.

This, I think, is a fair *résumé* of the reasons expressed, or held by the leaders of public opinion in England in 1870. How they were acted on we shall see in the next chapter.

CHAPTER IV.

THE LAND QUESTION IN PARLIAMENT BETWEEN 1860 AND 1870.

THE Land Act of 1860 was accepted by both English parties as a final settlement of the Land Question in Ireland; and Whigs and Tories alike set their faces against the reopening of the subject. Thenceforth, according to the English opinion of the moment, Irish landlords and tenants were to be allowed to settle their bargains and differences among themselves; for the future, as in the past, free contract—in a country where the conditions of freedom of contract were notoriously non-existent—was to be the basis on which their relations should rest. "It is not a question to be settled by political agitation, but by the course of events," said Sir Robert Peel, then Irish Secretary, on the 4th of April, 1862, when asked by Colonel Dunne, member for the Queen's County, if the Government intended to introduce an Irish Land Bill. In the following year, the same right honourable gentleman informed Mr. John Francis Maguire, that the Government considered "the Act of 1860 had effected a final settlement of the long-agitated question, and that they did not feel inclined to reopen it." Again, on the 2nd of May, 1864, the Irish Secretary made another statement to the same effect; and, on the 27th of February, 1865, Lord Palmerston dashed the hopes of the Irish tenant-farmers almost completely to the ground by the memorable declaration: "As to tenant right, I may be allowed to say that I think it is equi-

valent to landlords' wrong."[1] Finally, on the 23rd of June, 1865, Mr. Cardwell, Colonial Secretary in the Palmerston Ministry, pronounced his judgment on the subject:—

I am exceedingly glad that we are not about to separate under the imputation of having given an uncertain sound upon this subject. Whatever may have been the reasons for this discussion, I think that at any rate we should be open to grave reprehension if we permitted the impression to go forth in Ireland that we are at all uncertain about the rights of property in that country. I wish to express my individual opinion that, by whatever name it may be called, compulsory compensation for improvements effected against the will of the landlord is not a principle which is consistent with the rights of property. . . . I am glad that the Committee has not separated without giving its opinion distinctly on the questions which have been raised, and I do hope that every effort will be made in all future time, when measures for encouraging the improvement of land in Ireland are brought forward, to give every legitimate facility for such improvements. I wish it may be distinctly understood that only such facilities as are legitimate, and do not interfere with the rights of property, will be sanctioned by Parliament. I am convinced that it is more in accordance with the feeling of a high-spirited people that they should be spoken to in plain terms; and I have the opinion of the Irish people that I do not think they would approve an insincere and uncertain course on an important subject like this, or that they would at all thank the Committee for giving an ambiguous opinion upon it.

But in 1866, a change came over the councils of the nation, and the Act of 1860, which, scarcely a year before, had been regarded as a final settlement, was condemned as unworkable and unfair. Its principal provision, that the tenant, before improving, should ask the landlord's consent, was declared by Mr. Chichester Fortescue, to be "an invitation to the landlord to dissent," and the necessity of introducing another measure in the interests of the tenants was pronounced to be inevitable. But the new measure introduced in 1866, and which recog-

[1] Hansard, Third Series, vol. clxxvii. p. 82.

nized the tenant's right to the value of improvements made by him without the landlord's "dissent," was generally opposed—by the tenant party, who felt that such a provision would be an "invitation to the landlord to dissent," and by the landlord party, who were hostile to all measures of land reform—and ultimately abandoned by the Government.

In 1867, the Tories took up the subject, and introduced a more extreme Land Bill than that brought forward by their predecessors either in 1860 or in 1866, —a fact which those Tory gentlemen who condemn the conduct of the Liberal party in interfering with the "rights" of the Irish landlords will do well to remember.

The Whig Act of 1860, had, as we have seen, placed the tenant completely in the landlord's hands by depriving him of all interests in improvements made without the landlord's consent. The Whig Bill of 1866, had proposed to leave him still, though not quite so completely, in the landlord's hand, by allowing him to claim compensation only for such improvements as the landlord had not forbidden him to make. But the Tory measure of 1867, proposed to withdraw from the landlord altogether the vetoing power with which the Whigs had invested him, and to appoint a "Commissioner of Improvements," who should stand between him and the tenants, and decide the issues raised by them respecting all questions of improvements.[2] But the tenants would not accept this Bill. Twenty years previously they would have been satisfied with such a concession; they now held more advanced views. In 1845, they would have trusted to a "Commissioner of Improvements," but they would not trust to him in 1867; and, as a result of their opposition, combined with the opposition of the landlords who regarded the

[2] It is a curious fact that the most extreme measures of Irish land reform, prior to Mr. Gladstone's efforts, were introduced by Tories, viz. Lord Stanley's Bill of 1845, Mr. Napier's Code of 1852, and the Bill of 1867.

Bill of 1867 with as much disfavour as the Bill of 1866, the measure was given up.[3]

However, English public opinion, as I pointed out at the close of the last chapter, had by this time veered almost completely round to the side of the Irish tenants, and the English electors by returning Mr. Gladstone to power at the General Election of 1868, showed a disposition to do justice to their fellow-citizens in Ireland.

Mr. Gladstone, once in office, did not allow the grass to grow under his feet.

Having in 1869 disposed of the Church Question, in 1870 he took in hand the question of the Land.

On the 15th of February in the latter year, he introduced the celebrated Bill with whose main provisions my readers are, doubtless, familiar, and by which it was proposed—

(1) To legalize the Ulster custom and all customs analogous to it outside of Ulster;

(2) To render the landlord liable to an evicted tenant for compensation for improvements, and in certain cases for disturbance; and

(3) To facilitate the creation of a peasant proprietary.

This Bill, the most extreme hitherto brought forward for the settlement of the Irish Land Question, passed through Parliament practically without opposition, and on the 9th of August, 1870, received the Royal assent.[4]

[3] I have dealt more fully with the Bills of 1866 and 1867 in the "Parliamentary History of the Irish Land Question."

[4] 33 and 34 Vic. c. 46.

Mr. Bryan (Liberal member for Kilkenny) moved the rejection of the Bill on the second reading, on the ground that it did not go far enough; that it would not prevent capricious evictions, or rent-raising, as the mere fining of the landlord for wrongdoing by making him give the tenant compensation for improvements or for disturbance would not be a sufficiently stringent measure of prevention. However, the second reading was carried by 442 to 11. The minority was composed as follows: Sir W. Bagge, P. Callan, M. P. D'Arcy, E. Dease, K. T. Digby, Sir John Gray, the Right Hon. J. W. Henley, D. C. Heron, J. Lowther, Sir Patrick R. O'Brien, D. Sherlock.

So Mr. Gladstone's first Land Act became law.

Mr. Froude has described that Act as "the best measure, perhaps the only good measure, which has been passed for Ireland for 200 years;" [5] and, if it had been received in a kindly spirit by the landlords, and worked honestly with a sincere desire to carry out the beneficient designs of its author, these words of high praise might well be deserved. But owing to the indisposition of the landlords to give it a fair trial—coupled unquestionably with the moderation of its provisions, which, as Mr. Bryan and Sir John Gray had suggested, still left them too much power—it proved a serious failure. The manner in which the landlords received the Act is well described in the following sentence from an article in the *British Quarterly Review* of July, 1880:—"Some landlords set themselves deliberately to defeat its provisions . . . others required their tenants to sign leases deliberately drawn to defeat its provisions." [6]

We learn that on one property agreements were forced upon the tenantry, according to which a tenancy from year to year was created, determinable at six months' notice, all the tenants' improvements being forfeited to the landlord; on the death of the tenant no interest was transmissible to his personal repre-

Tellers: G. L. Bryan and Colonel White.—Hansard, Third Series, vol. cxcix. p. 1857.

In the Lords a small number of insignificant Peers, led by Lord Oranmore and Browne, feebly protested against the Bill.

[5] "Short Studies on Great Subjects," vol. iii. p. 287.

[6] Unhappily, the 12th section of the Act enabled the tenants to "contract" themselves out of its purview. This section provides "that a tenant of a holding which is not proved to be subject to the Ulster tenant-right custom, or certain other specified usages, whose holding, or the aggregate of whose holdings, in Ireland is valued under the Acts relating to the valuation of rateable property in Ireland, at an annual value of not less than 50*l*., shall *not be entitled to make any claim for compensation under any provision of this Act in cases where the tenant has contracted, in writing, with his landlord that he will not make any such claim.*"

Landlords largely availed themselves of this section to make the Act nugatory.

sentatives.[7] On another property the tenants had been evicted because they would not sign agreements which the Chairman of Quarter Sessions in the district considered unfair, as depriving them of the right to compensation for improvements.[8] In truth, the Act seems to have been scarcely a check at all on the work of eviction and rack-renting. "In the three years before the Land Act," said John George McCarthy, in the House of Commons in 1879, "the number of ejectments brought on notices to quit in Ireland was 4,253. In the three years subsequent to the Land Act the number was 5,641, thus showing an increase of 1,388. In the three subsequent years 8,439 such notices were served. There are no more recent returns, but taking the average, 20,000 such ejectments have taken place since the right hon. gentleman, the member for Greenwich, made his great effort to stay them." [9] And, upon another occasion, Mr. Edward W. O'Brien, the son of Smith O'Brien, and a landowner in the County Limerick, said that under the Act security for the tenants' improvements had totally broken down, and that the measure provided no guarantee, direct or indirect, that the rent should not be screwed up until the tenant was reduced to the verge of ruin, and the value of his improvements became the property of the landlord.[1] Mr. O'Brien here points out the great defect of the Land Act of 1870, which was, that it left the landlord free to rack-rent and evict, providing simply that he should be punished for the unjust exercise of his rights by the infliction, so to say, of a fine in the shape of money payments as compensation for improvements and for disturbance. But the landlord was not restrained in his actions by the risk of such punishment, because in the inevitable competition for land in Ireland

[7] Hansard, Third Series, vol. ccxxxiv. p. 82.

[8] These cases I have mentioned in the "Irish Land Question and English Public Opinion," where I have dwelt more at length on the subject of the failure of the Act.

[9] Hansard, Third Series, vol. ccxlvi. p. 350.

[1] Mr. O'Brien, as quoted by Mr. Butt in Hansard, vol. ccxxx. p. 711.

an intending tenant was often tempted to offer to the landlord an exorbitant rent, which made it worth the latter's while to evict the present occupier, and to take his chance as to what the decision of the Courts might be with reference to the question of compensation.

So much with respect to the failure of the clauses which were enacted to prevent rack-renting and eviction. But the clauses providing for the legalization of the Ulster custom, and the creation of peasant proprietary were also inoperative, owing in no slight degree to the hostility of the landlords. I have elsewhere[2] stated the results of the efforts made by the peasants of Kerry to purchase a property which came into the market in 1876, but I think the matter of sufficient importance as illustrating the difficulties thrown in the way of the working of the peasant proprietary, or Bright clauses, to set forth the facts again. The case is well known as that of the "Harenc Estate," and the facts are these. On the 15th of March, 1876, a petition for the sale of this estate was presented to the Landed Estates Court in Dublin. On the 2nd of November, 1877, fifty-one of the tenants attended personally before the Examiner, and six others by their solicitors, with proposals for purchase. Meantime a private agreement had been entered into between the trustees of the property and a Mr. Goodman Gentleman, by which it was arranged that the entire estate should be sold to Mr. Gentleman for 65,000*l.* Upon hearing this a man named Griffin offered, in the interests of the tenants, 75,000*l.* At this juncture Mr. Hussey interposed and offered 80,000*l.* These various offers came before the Landed Estates Court judge; and Griffin, having been advised of Hussey's offer, stated that he was prepared to give a sum over 80,000*l.*, if the amount would be accepted there and then, and the sale to the tenants confirmed. This proposal the trustees would not accept. Subsequently Hussey offered 80,500*l.*, whereupon the trustees applied that

[2] "Irish Land Question and English Public Opinion."

the sale should be confirmed to him. While this application was under the consideration of the court, two friends of the tenants, Messrs. Lombard and Murphy, of Dublin, offered 81,000*l.*, and demanded that the sale should be confirmed to them; and so confirmed it accordingly was, by the Landed Estates Court judge, against the protestations of the trustees, who preferred selling, even at a lower figure, to Mr. Hussey. From the decision of the Landed Estates Court judge the trustees appealed, stating that as they had the absolute power of disposing of the estates, and as, moreover, all the *cestuique trusts* were in favour of the sale being confirmed to Mr. Hussey, effect ought to be given to their wishes. On the part of the tenants it was contended that as the trustees, acting for the *cestuique trusts*, suffered no loss, but would, on the contrary, be benefited by the confirmation of the sale to the tenants, it was the duty of the court to give effect to the spirit and objects of the Act, which were, in the words of Mr. O'Hagan, "to transform 'serfs' into landowners," and to uphold the decision of the court below. This, however, the Court of Appeal declined to do, and the property was finally handed over to Mr. Hussey for 80,500*l.*; or 500*l.* less than the tenants, through the strenuous exertions of their friends and their own efforts, had been able to offer.[3]

But it is unnecessary to dwell further on the well-established, and indeed admitted fact, that the Land Act of 1870 failed to carry out the intentions of its authors.[4] Since then there has been a fresh land agitation, and a new Land Act. The Imperial Parliament has "gone farther" in safeguarding the interests of the tenants, and the landlords have "fared worse" in preserving their "rights." Looking back upon the history of the events of the past ten or fifteen years, it

[3] See Irish Law Reports, Chancery Division, p. 242.

[4] For further details respecting the failure of the Irish Land Act of 1870, see "Parliamentary History of the Irish Land Question," and "The Irish Land Question and English Public Opinion."

is impossible to avoid the reflection that if the landlords had accepted the measure of 1870 as a final settlement; had given it a fair trial; worked it honestly; and re-adjusted their relations to their tenantry on the basis fixed by its provisions; they might at last have won the affections of their people, saved their country from a crisis of untold misery, trouble, and turmoil, and laid the foundations of national prosperity and peace.

BOOK X.

THE INTERMEDIATE EDUCATION ACT, 1878.

CHAPTER I.

PROTESTANT INTERMEDIATE SCHOOLS.

GENERALLY bad as the past government of the English in Ireland has been, there were few things in which the native race was more unfairly treated than in the matter of education. A people passionately fond of learning, bright, and intelligent, hungering for knowledge and eager in its pursuit, were "dwarfed" and "starved"[1] intellectually, because, as Lord Carlingford once put it, their conscience forbade them to "swallow mental food on the conditions" prescribed by their rulers.[2] This was the melancholy situation of the Irish people in respect to the important

[1] Irish Census, 1871, General Report, p. 163.

[2] In 1878, England had 72½ per cent. of the population of the United Kingdom; Ireland 17 per. cent.; Scotland 10½ per cent. Since 1871, there had been 1918 places in the Excise and Customs bestowed in public competition. For these places there had been 11,371 candidates, of whom 11 per cent. were Scotch, 46 per cent. English, and 43 per cent. Irish. Of the places, Scotland gained 6 per cent., England 38 per cent., and Ireland 56 per cent. Of every 100 Scotch candidates 9 passed, of every 100 English 14, and of every 100 Irish, 22.—Lord O'Hagan, Hansard, Third Series, vol. ccxli. p. 417.

subject of intellectual development and training for two centuries.

All the avenues to knowledge were thrown open to the Ascendency, but closed against the masses of the nation. For nearly a hundred years after the Treaty of Limerick, no Catholic schools were tolerated in the country; and for forty years more no State aid was given to any educational institutions which the members of the national faith could conscientiously frequent. And all this time the Protestant Episcopalian minority were supplied with primary and intermediate establishments handsomely endowed, either by the State or by the benevolence of individuals who had grown rich on the spoils of conquest,—men whose property consisted of the confiscated lands of plundered Irish Papists.[3]

The position of the Irish Catholics (whose religion forbade them to attend Protestant schools) has, in respect to the question of education, been well likened[4] to the position of the Hindus, whose religion forbade them to eat butcher's meat, as described in the following lines of the poet Moore:—

> "But how is this? I wondering cried,
> As I walk'd that city fair, and wide,
> And saw, in every marble street,
> A row of beautiful butchers' shops.
> What means for men who don't eat meat,
> This grand display of loins and chops?
> In vain I ask'd. It was plain to see
> That nobody dared to answer me."[5]

So intellectually it was in Ireland. Protestant Episcopalian educational "meat shops" filled the "streets;" but no intellectual food that a Papist could touch was allowed to be retailed, or else its supply was permitted only under circumstances of great difficulty and discouragement.

There was, as we have already seen, a break in this

[3] For a detailed account of the educational policy of the English in Ireland, see vol. i. Book i.

[4] By Lord Carlingford.

[5] Moore, "The Dream of Hindostan."

system of exclusiveness (so far as primary education was concerned) when the national schools were established in 1831.[6] But, for nearly half a century subsequently, nothing was done by Parliament to aid individual effort in advancing the intermediate instruction of Catholics. The existence of a university is, we know, practically essential to the success of intermediate schools, but no Catholic university was chartered or endowed by the State in Ireland. Lord Cairns, in 1878, said in the House of Lords that the educational structure consisted of primary schools, which constituted the "foundation;" intermediate schools, which "formed the walls and intermediate parts;" and a university, which made the "roof" of the edifice. In 1831, Parliament laid the "foundation" of Irish Catholic education, but for forty-seven years afterwards it refused to help in building the "walls," and would not tolerate the erection of a "roof" at all—though it had in all three stages of the structure aided Protestant Episcopalian education. The Ascendency possessed their well-endowed intermediate schools and had, besides, the only university which prior to 1850 existed in the country, viz. Trinity College, Dublin,[7] while between 1850 and 1879 the wishes of the Catholics in respect to university education remained still ungratified. However, Irish Catholic enterprise did that which the Government left undone, although from the nature of things imperfectly, because the Catholics were the poorest members of the population. Catholic bishops and Catholic religious orders established and endowed intermediate schools, and these, despite the absence of the prizes, rewards, and stimulants to study which had been exclusively reserved for the Protestant Episcopalians, were supported by the Catholic laity. Even a Catholic university[8] was founded, and though unchartered and unendowed, generously helped by a patriotic people.

[6] Vol. i. Book i. chapter vii. [7] *Post*, Book xi. [8] *Post*, Book xi.

Under these conditions, one might naturally suppose that Protestant Episcopalian intermediate education would have flourished in Ireland, and that Catholic intermediate education would have declined; but this is not the fact. The state of intermediate education prior to 1878 was generally very unsatisfactory. But, so far as there was any improvement at all—even the most insignificant—in the attendance of pupils at this class of schools, that improvement was rather on the side of the Papists than of the Ascendency. This is not all. Of the three principal religious bodies in Ireland—Catholics, Presbyterians, and Protestant Episcopalians—the intermediate schools of the latter sect alone showed a decline in the number of their pupils during the decade preceding the passing of the Act of 1878. "It is strangely remarkable," says the Report of the Irish Census Commissioners of 1871, "that the decrease in the number of pupils under intermediate instruction in Ireland should be limited to that class of pupils exclusively who are in the exclusive enjoyment of State subsidy. The Roman Catholics, wholly dependent upon voluntary effort, and, at the same time, the least wealthy of the population, have increased the number of pupils receiving intermediate instruction [between 1861 and 1871] in the ratio of 2·5 per cent. The non-Episcopalian Protestants, almost equally unendowed, but better circumstanced pecuniarily, show the signal increase of 11·9 per cent.; while the Episcopalian Protestants, whose private means are immeasurably largest, and who have the practical monopoly of State endowment, disclose the wonderful decline of 14·5 per cent. Their endowments, therefore, absolutely barren for the rest of the population, are ceasing to fructify for the Protestant Episcopalians themselves. . . ."[9]

Of the Protestant Episcopalian schools whose endowments "ceased to fructify" there were, in 1880,

[9] Irish Census, General Report, p. 170.

fourteen under the control of the Commissioners of Education, and their history may be told thus :—

Locality of school.	Founders.	Date of Foundation.	No. of pupils in 1854.	No. of pupils in 1880.	Report of Endowed Schools Commission of 1854-8. Abridged.	Report of Endowed Schools Commission, 1880. Abridged.
Bandon	Earl of Cork	1642	25	11	Pupils absent when Commissioner called	School closed when Commissioner called, the master having recently died.
Charleville	Earl of Cork	1642	4	...	The school in a ruinous state; instruction unsatisfactory	The site of school occupied as a Protestant Episcopalian Rectory.
Lismore	Earl of Cork	1642	...[1]	40	...	Teaching rather for special competition than regular schooling
Waterford	Corporation	1669	69	No return	Satisfactory	Converted into a Catholic school, endowment discontinued.
Kilkenny	Duke of Ormonde	1684	47	7	State of school very unsatisfactory as regards regular attendance and inspection	In a melancholy state.
Clonmel	R. and S. Moore, and J. Bagwell.	1685	29	34	Satisfactory	Teaching wanting in soundness and efficiency.
Navan	J. Preston	1686	5	10	No school in the country in a more unsatisfactory state	House clean and in good repair, but the pupils enjoying a holiday in honour of the Meath Election, and no opportunity for testing the efficiency.
Ballyroan	J. Preston	1686	3	11	Rivalled Navan in mismanagement and inefficency	School premises in a state of decay, but the more advanced pupils well taught.
Midleton	Countess of Orkney.	1696	25	72	Unsatisfactory	Upon the whole well conducted and satisfactory.
Carrickmacross	Viscount Weymouth	1711	26	10	Pupils well instructed, but premises in decay	In a ruinous condition; the master living as a kind of pensioner on the endowment, and taking little interest in his work.
New Ross	J. Ivory	1713	19	No return	Premises in a ruinous condition, but instruction good	School closed since 1875; reopened in 1880.
Dundalk	The Earl of Limerick and the Corporation of Dundalk[2]	1725	27	36	Instruction satisfactory	Pupils fairly well taught.
Eyrecourt	Rev. R. Bourke; Lord Eyre	1730	10	...	Unsatisfactory in every respect	In abeyance.
Kinsale	G. Southwell.	1767	14	...	ditto	In a state of absolute ruin.

[1] No pupils since 1851.

[2] Some doubts exist as to the origin of this school. See Reports of Endowed Schools Commission, 1854-57 and 1880-81.

The other Protestant intermediate schools which deserve mention are Foyle College, Londonderry, founded originally as a Royal Free School;[3] St. Columba College, County Dublin, founded in 1843; Coleraine Academical Institution, founded in 1860; Londonderry Academical Institution, founded in 1868, and the Methodist College, Belfast, founded, also, in 1868. With reference to Foyle College, the site of the present school premises was granted in 1814 by the Protestant Bishop of Derry, and the building itself erected, at a cost of 13,000*l.*, contributed by the Bishop, the London Companies, especially the Irish Society, and the Grand Jury of the county. In 1869 the institution ceased to be classed as a Royal School, and the endowment which it enjoyed in that character was discontinued. However, it still receives a large annual grant from the Irish Society, and is, in fact, the most liberally endowed school in the country. Nevertheless, its condition, as reported by the Endowed Schools Commissioners of 1880, is scarcely satisfactory. "The accommodation," we learn, "is very inferior to that of any of the larger Royal Schools;" the "playground is useless for games;" there "is no gymnasium," "no laboratory;" and the "condition of the latrines is very bad." As for the instruction, Mr. Mahaffy found no good answering except in French. "The knowledge of classical forms was not accurate, and the answering in science slow and unsteady." In brief, the school, says the Assistant Commissioner, "seems not to have progressed as it ought by the patronage of a rich and liberal corporation." The number of pupils in attendance in 1880 was 104.

St. Columba College, whose endowments were much smaller and contributed by public subscription, seems to have enjoyed a better reputation. The Commissioners of 1854 report the state of instruction as very satisfactory, and augured for the institution a career worthy of "Eton or Harrow." In 1880, the

[3] *Ante*, vol. i. p. 21, and p. 24, n.

Commissioners state that "in classics the education is more ambitious than the other Irish schools," and refer pleasingly to the fact that little was wanting to contribute to the amusement and comfort of the boys. The chief drawback seems to have been "a harsh system of punishment." The number of pupils in attendance in 1854 was 31, in 1880, 86.

The Coleraine Academical Institution was founded, as a "non-sectarian" school, by grants from the Irish Society, the Clothworkers' Company, and by public subscriptions, contributed mainly by Presbyterians. Although attended by some Catholics and Protestant Episcopalians, it seems to be chiefly a Presbyterian establishment, and is described by the Commission of 1880 as "a large and flourishing school." There are no religious tests imposed. The number of pupils on the rolls in 1880 was 116, of whom eight were Catholics.

The Londonderry Academical Institution was founded, mainly, by Presbyterians. It was designed as a "non-sectarian" school, but is, in fact, much less so than the Coleraine establishment. It receives an annual grant of 210*l.* from the Irish Society, and is worked chiefly by Presbyterians. The number of pupils in 1880 was 100.

The Methodist College, Belfast, founded by means of public subscription and private donations, is described by the Commissioners of 1880 as "a very fine establishment," science teaching "being good and well directed;" the head-master "understands how to make the boys fond of learning for its own sake." The number of pupils in 1880 was 311.

This closes the list of the principal Protestant intermediate schools in existence prior to the passing of the Intermediate Education Act of 1878.

CHAPTER II.

CATHOLIC INTERMEDIATE SCHOOLS.

THE following table will enable the reader to learn at a glance so much of the history of the Irish Catholic intermediate schools as it is necessary to give for the purposes of this work.

Locality of school.	Founders.	Date of Foundation.	No. of Pupils in 1854.	No. of Pupils in 1880.	Report of Endowed Schools Commission of 1854-8. Abridged.	Report of Endowed Schools Commission, 1880. Abridged.
Carlow College	Dr. O'Keefe, Catholic Bishop of Kildare and Leighlin	1793	No return	158	No report	No report.
St. Finian's Seminary, Navan	Bishop Plunet	1802	...	95	...	Buildings not well suited for requirements of the establishment.
Clongowes Wood College, Co. Kildare.	The Society of Jesus	1814	200	109[1]	...	...
St. Stanislaus' College, Tullabeg	The Society of Jesus	1841	...	164	...	All the buildings in thorough repair, clean, and well ventilated; three good libraries, besides a reference library and a master's library; good cricket-ground, sports carefully encouraged. Elder boys allowed a good deal of liberty. Discipline excellent, system of teaching good; but energies of boys too much devoted to passing competitive contests. However, as an examiner from the London University was conducting an examination when Mr. Mahaffy called, no fair opportunity of testing efficiency of pupils offered.

[1] The number at present is 150. I am indebted for the information respecting this well-known establishment, as for other interesting facts, to Mr. W. H. G. Flood.

Locality of school.	Founders.	Date of Foundation.	No. of Pupils in 1854.	No. of Pupils in 1880.	Report of Endowed Schools Commission of 1854-8. Abridged.	Report of Endowed Schools Commission, 1880. Abridged.
St. Jarlath's College, Tuam	Bishop, clergy, and laity of diocese	1817	...	90	...	Course of instruction in all branches in connection with the Intermediate Education Examinations.
St. Patrick's College, Armagh	Bishop Crolly	1838	52	57	State of instruction satisfactory	...
St. Malachy's Coll. Belfast	Bishop Crolly.	1839	24	160	Instruction satisfactory	Much careful teaching and fair answering in most elementary subjects.
St. Patrick's College, Belfast	G. Magovern, Rev. M. Reilly, and John Brady	1839	49	60	Course of instruction comprehensive and the answering in schoolsubjects satisfactory	Unsatisfactory
St. Colman's College, Fermoy	Bishop Murphy	1858	...	140	...	Course of instruction: Classics, Mathematics, Modern Languages (French, German, and Italian), Natural Philosophy; and adapted for pupils seeking to enter the Universities, professions, or the Civil Service.
Coll. of the Immaculate Conception, Sligo	Bishop Gillooly	1857	...	...	...	Instruction, commercial and classical.
French College, Blackrock Dublin	Father Jules Leman, C.S.P.	1859	...	314	...	Most successful. At intermediate examinations remarkably successful. Teaching of foreign languages exceptionally developed. Dormitories well ventilated. The Principal, possessing large and liberal views about education, "complains bitterly of the low standard of the prize and scholarship examinations of the Queen's Colleges at Cork and Galway, boys having obtained *distinctions* there whom he had resolved to send home to their parents on account of their stolid and immovable ignorance."
St. Macarten's Seminary, Monaghan	Bishop McNally.	1849	...	51		Instruction includes Classics, English, French, Mathematics, as presented in the programme of the Intermediate Education Act.
Anchonry Diocesan School, Ballaghadreen	...	1832	...	23	...	Instruction includes course prescribed by Intermediate Education Act.
Killaloe Diocesan College, Ennis.	Bishop Power	1866	...	146	...	Instruction includes course prescribed by Intermediate Education Act.[2]

[2] See Reports, Endowed Schools Commissions, 1854-8, 1880-81.

The other Catholic intermediate schools referred to by the Endowed Schools Commissioners of 1880, but which were not visited by their representatives, are; St. Brendan's Seminary, Killarney; St. Colman's College, Newry; Holy Cross College, Clonliffe, Dublin; St. Patrick's College, Thurles; St. Ignatius' College, Galway; St. Kipaus' College, Kilkenny; Diocesan College, Limerick; St. John's College, Waterford; St. Peter's College, Wexford; St. Mel's, Longford; and St. Vincent's College, Castleknock, Dublin. Those schools were not visited, because, as they are supported by voluntary contributions, and not helped by the State, or any wealthy public bodies, their principals conceived that the Commissioners could not reasonably expect them to throw open their doors to State inspection. The other Catholic schools visited by the Commissioners were, of course, similarly circumstanced, but their managers did not stand so strictly on punctilio.

Reviewing the whole history of intermediate education in Ireland, it is clear that some schools did good work—eminently, I think, the French College, Blackrock; the Academical Institution, Coleraine; the Jesuit Colleges of Tullabeg and Clongowes; the Methodist College, Belfast; and St. Colman's College, Fermoy; yet, upon the whole, secondary instruction throughout the country was, as some one—I believe Lord Cairns—said, "bad in quality and deficient in quantity." The fact seems incredible, but there can be no doubt of its authenticity, viz. that out of a total population of 5,500,000, there were only 10,814 boys in Ireland learning Latin, Greek, or modern languages, in 1871. Or to put the matter in another way, while in England about ten or fifteen in every 1,000 were instructed in these languages, only two in every 1,000 were instructed in them in Ireland;[3] and what was yet more serious, things were going from bad to worse. Thus, while in

[3] Lord Cairns, House of Lords, June 21st, 1878.

1861, the total number of secondary schools in the country amounted to 729, in 1871 the number fell to 574.

Impressed by these facts, and believing that the lamentable situation which they revealed was caused by want of generous and general State aid and support, the Government of Lord Beaconsfield took up the subject of intermediate education in Ireland in 1878.

CHAPTER III.

LORD CAIRNS' ACT.

BETWEEN 1830 and 1854, little attention was paid in Parliament to the question of Irish Intermediate Education. In the latter year, however, a Royal Commission was issued to inquire (*inter alia*) into the subject, and a mass of evidence was collected which proved the collapse of the existing systems; yet Parliament did nothing to create a better order of things.

In 1871, the Irish Census Commissioners published an interesting and able paper, showing that, unless prompt steps were taken by the State to encourage secondary instruction, the youth of Ireland would lapse into a condition of deplorable ignorance; would be rendered unfit successfully to fight their way through life, and to compete in its struggles with the youth of other countries. But Parliament still did nothing to terminate so lamentable a condition of affairs.

At length, in 1878, Lord Cairns took the subject in hand, and carried into law an important and a useful measure of Irish Educational Reform, the main provisions of which may briefly be described thus:—

(1) A sum of 1,000,000*l.* was taken from the Disestablished Church Surplus Fund and devoted to the purposes of Secondary Education in Ireland.

(2) A Board was formed, called "The Intermediate Education Board of Ireland," seven members of which were to be appointed by the Lord-Lieutenant.

(3) Provision was made for the establishment of a system of exhibitions and prizes for students, and the payment of result-fees to their teachers.

(4) Examinations were to be held by examiners appointed by the Board, at convenient centres throughout the country, in the months of June and July, in every year, the subjects in which candidates were compelled to pass being—

(*a*) The ancient languages, literature, and history of Greece and Rome.

(*b*) English language, history, and literature; French, German, and Italian languages, history, and literature.

(*c*) Mathematics, including arithmetic and book-keeping.

(*d*) Natural Sciences.

(*e*) Such other subjects of secular instruction as the Board might prescribe.

(*f*) The maximum ages at which students were allowed to compete were fixed at sixteen, seventeen, and eighteen years respectively.

(*g*) The Board was not to take upon itself any responsibility with respect to the management and control of any of the schools, but the three following rules were in all cases to be observed:—

(1) Students were bound to belong to some intermediate school from the 15th of October of the year prior to the examination, and to have made at least 100 attendances.

(2) Students prepared by private tutors only were not to be eligible.

(3) No result-fees were to be paid to the managers of schools where religious instruction was imposed contrary to the sanction of parents, or where the hours for such instruction were so arranged as to trench upon the time allotted to secular study.

These in the main are the provisions of the Intermediate Education Act of 1878.[1]

Although it is yet too soon to form an accurate idea

[1] 41 and 42 Vic. cap. 66.

of the working of the Act there are, some facts in connection with its operation which deserve to be noticed. For instance: All religious denominations have made use of its provisions, and the number of pupils presenting themselves for examination steadily increased between the years 1879 and 1881. There was, however, a falling off in this respect in 1882 and 1883—a result accounted for by a diminution in the number of prizes, and the amount of result-fees. The precise figures showing the number of attendances for examination between 1879 and 1883 are as follows:—

Year.	Pupils.
1879	3954
1880	5561
1881	6952
1882	6614
1883	6162

The extent to which the provisions of the measure have been used by the various religious denominations in the country will be explained by the following tables:—

Number of Students who presented themselves for Examination at the various Centres in 1880.

BOYS.

No. of Centre.	Centre.	Students.
1.	Armagh, Royal School	63
2.	St. Patrick's College	67
3.	Athlone, Ranelagh School	41
4.	Do.	30
5.	Ballinrobe, Christian Brothers' School	21
6.	Belfast, Methodist College	44
7.	St. Malachy's College	48
8.	Mr. Pyper's Academy	40
9.	Christian Brothers' Sch.	50
10.	Mr. Pyper's Academy	42
11.	Victoria Hall	60
12.	Do.	54
13.	Workmen's Institute	59
14.	Blackrock, French College	62
15.	Do.	55
16.	Do.	58
17.	Cahir, Rockwell College	34
18.	Do.	30
19.	Carlow, Carlow College	45
20.	Do.	47
21.	Castleknock, St. Vincent's College	49
22.	Do.	44
23.	Cavan, Convent National School	27
24.	Clondalkin, St. Joseph's	48
25.	Clongowes Wood, The College	34
26.	Do.	36
27.	Coleraine, Town Hall	49
28.	Do.	54
29.	Cookstown, Assembly Rooms	56
30.	Cork, Christian Brothers' School	73
31.	Queen's College	62
32.	St. Finn Barr's	58

No. of Centre.	Centre.	Students.
33.	Christian Brothers' Sch.	42
34.	Drogheda, Mayoralty Rooms	38
35.	Dublin, King's Hospital	41
36.	Rotunda	56
37.	High School	43
38.	Do.	57
39.	King's Hospital	47
40.	Carmelite College	37
41.	Exhibition Palace	69
42.	Catholic University	45
43.	Christian School, Richmond Street	63
44.	Royal College of Science	56
45.	Dundalk, Town Hall	66
46.	Do.	54
47.	Dungarvan, St. Augustine's	17
48.	Ennis Town Hall	49
49.	Do.	30
50.	Enniskillen, Portora Royal School	50
51.	Fermoy, St. Colman's College	80
52.	Do.	51
53.	Galway, St. Ignatius' College	48
54.	Grammar School	39
55.	Kilkenny, Athenæum	33
56.	St. Kiernan's College	43
57.	St. Brendan's Seminary	57
58-9.	Kingstown, Kingstown School	28
60.	Letterkenny Literary Institute	26
61.	Limerick, Sacred Heart College	58
62.	Diocesan College	64
63.	Christian Brothers' School	40
64.	Listowel, St. Michael's College	46
65.	Londonderry, Magee College	39
66.	St. Colomb's College	52
67.	Magee College	59
68.	Longford, St. Mel's College	23
69.	Midleton, The College	30
70.	Monaghan, St. Macarten's Seminary	44
71.	Mountrath, The Monastery	52
72.	Mullingar, Wilson's Hospital	28
73.	Navan, St. Finian's Seminary	19
74.	Do.	48
75.	Newry, Savings Bank	38
76.	Oldcastle, Endowed School	23
77.	Portarlington, Arlington House	29
78.	Do.	20
79.	Rathfarnham, St. Columba's	49
80.	Sligo, Town Hall	54
81.	Terenure, Carmelite College	38
82.	Thurles, Christian Brothers' School	22
83.	Tipperary, Abbey School	38
84.	Do.	31
85.	Tralee, Corn Exchange	26
86.	Tuam, Town Hall	37
87.	Tullabeg, St. Stanislaus	60
88.	Do.	55
89.	Waterford Town Hall	39
90.	Do.	33
91.	Wexford, St. Peter's College	38
92.	Do.	41
		4021

GIRLS.

93.	Armagh, Infant School	51
94.	Athy, Town Hall	18
95.	Belfast, Ladies' Collegiate School	62
96.	Sussex Place National School	90
97.	Do.	90
98.	Methodist College	52
99.	Ladies' Collegiate School	45
100.	Coleraine, Town Hall	15
101.	Cork, Dr. Knight's School	52
102.	Model School	51
103.	Do.	46
104.	Dublin, Alexandra College	73
105.	Do.	73
106.	Rutland School	40
107.	Loretto, North Great George's Street	57

No. of Centre.	Centre.	Students.
108.	Alexandra College (see 104 and 105).	
109.	Baggot Street Convent	34
110.	Queen's Institute	47
111.	King's Inn Street	55
112.	Stephen's Green Convent	38
113.	Stephen's Green Convent	29
114.	Abercorn Hall	45
115.	Dundalk, Convent of Mercy	33
116.	Galway, Railway Hotel	37
117.	Irvine's Auction Room	24
118.	Kells, Mercy Convent	24
119.	Kilkenny, Athenæum	32
120.	Killarney, Mercy Convent	27
121.	Limerick, Mount St. Vincent Convent	31
122.	Londonderry, Corporation Hall	40
123.	Do.	38
124.	Monaghan, Convent St. Louis	26
125.	Navan, Convent School	36
126.	Oldcastle, Endowed School	36
127.	Omagh, George's Street	11
129.	Rathfarnham, Loretto Abbey	40
130.	Sligo, Court House	30
		1447

Number of Students who presented themselves for Examination at the various Centres in 1883.

BOYS.

1.	Armagh, Royal School	58
2.	St. Patrick's College	35
3.	Athlone, Ranelagh School	34
4.	Athy, Christian Schools	34
5.	Bagnalstown, Christian Schools	39
6.	Ballinasloe, Temperance Hall	26
7.	Ballinrobe, Christian Schools	23
8.	Ballymoney, Town Hall	30
9.	Belfast, Working Men's Institute	48
10.	Do.	48
11.	Queen's College	45
12.	Do.	45
13.	St. Malachy's College	48
14.	Do.	48
15.	Christian Schools, Donegal Street	40
16.	Christian Schools, Divis Street	44
17.	Christian Schools, Oxford Street	40
18.	Cahir, Rockwell College	28
19.	Do.	31
20.	Carlow, Carlow College	41
21.	Carrick-on-Suir, Christian Schools	24
22.	Cavan, Christian Schools	31
23.	Charleville, St. Brigid's Seminary	31
24.	Clongowes Wood College	35
25.	Do.	34
26.	Clonmel, Christ Schools (SS. Peter and Paul's)	45
27.	Do. (St. Mary's)	33
28.	Coleraine, Town Hall	32
29.	Do.	33
30.	Cookstown, Assembly Rooms	41
31.	Cork, Queen's College	48
32.	Do.	50
33.	Christian Schools, Peacocke Lane	48
34.	Do.	49
35.	Do.	47
36.	Do.	48
37.	Pres. Bros. Ind. Sch., Greenmount	42
38.	St. Finn Barr's Seminary	47
39.	Drogheda, Mayoralty Room	50
40.	Dundalk, Educational Institution	49
41.	St. Mary's College	38
42.	Christian Schools	43
43.	Dungarvan, St. Augustine's Seminary	30

No. of Centre.	Centre.	Students.
44.	Ennis, Diocesan College	30
45.	Ennis Grammar Sch.	31
46.	Fermoy, St. Colman's College	35
47.	Do.	35
48.	Do.	37
49.	Galway, Grammar School	32
50.	Queen's College	39
51.	Kilkenny, Christian Schools	37
52.	St. Kiernan's College	48
53.	Killarney, St. Brendan's Seminary	34
54.	Kilrush, Christian Schools	34
55.	Letterkenny, Literary Institute	32
56.	Limerick, Christian Schools	41
57.	Do.	44
58.	Sacred Heart College	51
59.	Listowel, St. Michael's College	32
60.	Londonderry, Foyle College	50
61.	Magee College	39
62.	Do.	35
63.	St. Columb's College	45
64.	Longford, St. Mel's College	25
65.	Lurgan, Presbyterian Lecture Hall	55
66.	Mallow, Patrician Schools	47
67.	Midleton, Midleton College	25
68.	Mitchelstown, Christian Schools	18
69.	Monaghan, St. Macarten's Seminary	38
70.	Town Hall	12
71.	Mountrath, Monastery School	53
72.	Mullingar, Christian Schools	20
73.	Multyfarnham, Wilson's Hospital	27
74.	Navan, St. Finian's Seminary	24
75.	Do.	22
76.	Newry, Sandy's Street Hall	32
77.	Christian Schools	33
78.	Omagh, Grand Jury Room	27
79.	Parsonstown, Presentation Monastery	48
80.	Rathfarnham, St. Columba's College	50
81.	Skibbereen, No. 1 National School	28
82.	Sligo, Town Hall	34
83.	Do.	33
84.	Strabane, Town Hall	43
85.	Thurles, Christian Schools	29
86.	Tipperary, Abbey Schools	37
87.	Christian School	51
88.	Tralee, Corn Exchange	46
89.	Tuam, St. Jarlath's College	37
90.	Tullabeg, St. Stanislaus' College	49
91.	Do.	49
92.	Tullow, Monastery School	37
93.	Waterford, Christian Schools, Mount Sion	27
94.	Do.	26
95.	College School	32
96.	Westport, Christian Schools	32
97.	Wexford, St. Peter's College	40
98.	Christian Schools	35
99.	Do.	32
100.	Youghal, Christian Schools	37
		3764

GIRLS.

107.	Armagh, Abbey School	25
108.	Ballymena, West Church Lecture Hall	27
109.	Belfast, Ladies' Collegiate School	46
110.	University Road Meth. Sunday-school	50
111.	Methodist College	47
112.	Mercantile Academy	28
113.	Do.	30
114.	Cork, Model School	28
115.	Do.	34
116.	High School for Girls	28
117.	Rochelle Seminary	29
118.	Dundalk, Market House	25

No. of Centre.	Centre.	Students.
119.	Ennis, Convent of Mercy	34
120.	Galway, Mack's Hotel Room	19
121.	Kilkenny, Loretto Convent	14
122.	Killarney, Loretto Convent	29
123.	Limerick, Town Hall	26
124.	Londonderry, Corporation Hall	31
125.	Do.	31
126.	Ladies' Collegiate School	29
127.	Longford, Convent of Mercy	25
128.	Macroom, Convent of Mercy	15
129.	Monaghan, St. Louis' Convent	24
130.	Mountmellick, Friends' School	20
131.	Mullingar, Annunciation Convent	14
132.	Navan, Loretto Convent	32
133.	Newry, Savings Bank	25
134.	Tullamore, Convent of Mercy	18
135.	Wexford, Loretto Convent	29
		807

METROPOLITAN CENTRES—BOYS.

141.	Blackrock, French College—Corridor	48
142.	Do. Do.	49
143.	Do. Hall, No. 11	47
144.	Do. Hall, No. 16	49
145.	Bray, Bray School	30
146.	Castleknock, St. Vincent's College	47
147.	Do.	47
148.	Clondalkin, St. Joseph's Seminary	36
149.	Dublin, Central Modern School, Girls' Drawing Room	42
150.	Do. Boys' Do.	40
151.	Christian School, N. Richmond Street	50
152.	Do. do.	48
153.	Do. do.	50
154.	Do. do.	41
155.	Do. James' Street	57
156.	Do. Synge Street.	57
157.	Do. Westland Row	58
158.	R. U. Building, Large Concert Hall	45
159.	Do. do.	46
160.	Do. do.	47
161.	Do. do.	45
162.	Do. Small Concert Hall	44
163.	Do. do.	46
164.	Do. Exam. Hall, No. 3	39
165.	Do. do.	45
166.	Do. Exam. Hall, No. 4	45
167.	Kingstown, Town Hall	34
168.	Terenure, Carmelite College	41
		1273

METROPOLITAN CENTRES—GIRLS.

169.	Dublin, Alexandra College, Lower Room	50
170.	Do. Upper Room	37
171.	University College	30
172.	Do.	35
173.	Loretto Convent, Stephen's Green	42
174.	Masonic School	39
175.	Rotunda, Pillar Room	44
176.	Do.	41
		318

An interesting fact in connection with the examinations of the Board is, that, the percentage of girls who

have passed, between 1879 and 1883, has been greater than the percentage of boys; thus:—

	Boys.	Girls.	Aggregate.
1879	57·5	65·4	58·9
1880	70·4	76·7	72·1
1881	66·8	68·3	67·2
1882	57·8	69·6	60·4
1883	56·6	79·4	60·7 [2]

It will be here seen that the lowest percentage reached by boys and the highest reached by girls was attained in 1883.

In conclusion, it may be worth while to place before my readers the criticism passed upon the Act by the distinguished principal of the French College, Blackrock. "He objects altogether," says Professor Mahaffy, referring to the opinion of this gentleman, "to the Intermediate Examinations, and says that his profession is ruined by the complete subjugation of all school work to the fixed programme, which is quite insufficient to occupy the better boys for a year, and which thus seriously impairs their progress. He fully agrees with me that it is the duty of that examination, not to test the coaching in particular books, but the various methods of teaching at various schools, and that if no course were prescribed, very different and sounder results would be attained. He thus differs fundamentally from the theory of the Jesuit Fathers of St. Stanislaus' College. He also protests against the variety of unimportant subjects which produce result-fees, and thinks that a minimum of at least 33 per cent. should be struck off the answering if these subjects are retained." "It is," concludes Mr. Mahaffy, "very satisfactory for me to find my own conclusions backed by the [practical knowledge] of this enlightened and experienced Roman Catholic schoolmaster." [3]

With these words I take leave of the subject of Irish Intermediate Education.

[2] See Reports of the Intermediate Education Board for Ireland, published in the years 1881, 1882, 1883, 1884.

[3] Report of Endowed Schools Commission, 1880-81, p. 251.

BOOK XI.

THE ROYAL UNIVERSITY, 1879.

Mr. Matthew Arnold once said that there was nothing like the Irish University system in Europe. In Catholic France, Protestants filled professorial chairs at Strasburg and Montauban. In Protestant Germany, Catholic professors lectured to Catholic students in philosophy, and history at Bonn. In the English and Scotch Universities the controlling and teaching power was in the hands of those who belonged to the national faith. But, in Catholic Ireland, the only University which, during many generations, the country possessed, was closed for nearly two centuries against Catholic students altogether; and, for three-quarters of a century more, no Catholic was permitted to teach within its walls, or to have a voice in the management of its affairs. The Protestant Episcopalian minority monopolized University education as they monopolized everything else in Ireland, to the national loss.

The Irish Protestant Episcopalians were indebted to Queen Elizabeth and James I. for the establishment and endowment of their University system. In the reign of the former sovereign Dublin University was founded, and its only College, Trinity, built on the site of the suppressed Augustinian Monastery of All Hallows. The institution was bountifully endowed

with a portion of the confiscated estates of Desmond, and with other lands in the Provinces of Munster and Ulster. It was also enriched by private benefactions and public subscriptions, and altogether commenced its career under great and promising auspices.[1]

It has been said that Trinity College, as originally founded, was not designed for an exclusively Protestant Episcopalian institution; however that may be, an exclusively Protestant Episcopalian institution it soon became, and so continued down to our own day.[2] Up to the year 1793, no Catholics were admitted, even as students, within its doors. Then, under the influence of that wave of Liberalism which, thanks to the exertions of John Keogh and Wolfe Tone, swept for a moment over Colonial Ireland, the barrier of sectarian exclusiveness, which had been set up to save Trinity College from the inroads of Popery, was partly broken down, and Catholics were admitted as sizars and graduates.[3] But during eighty years longer they were ineligible for foundation scholarships, excluded from the rank of professors and fellows,

[1] On the 13th of March, 1591, the first stone was laid, and on the 9th of June, 1593, the first student—Thomas Smyth—entered.—Taylor, "History of the University of Dublin," p. 10. Its work was, however, interrupted during the Elizabethan Irish wars, and was not resumed till 1601.—Ibid. p. 13. The gross rental of the estates granted to the University by Elizabeth and James was returned in 1867 at the amount of 62,000*l.*—Parliamentary Papers, vol. lv. for 1867.

[2] Heron, "History of the University of Dublin." Mr. Heron contends that Elizabeth designed the college for the benefit of the "whole country," and that there were no laws passed in her time excluding Catholics. But Mr. Lefroy, sometime member for the University in the Imperial Parliament, declared, in 1834, that, "by the constitution of the University, which was founded, endowed, and upheld for the culture of true religion, all its offices were exclusively confined to Protestants." He also spoke of it as "that nursery of the Irish Church." House of Commons, May 8th, 1834. By a statute passed in the reign of Charles I., all students, professors, &c., were obliged to take the oath of Supremacy, and to make the declaration against Transubstantiation.

[3] The concession was granted by the Relief Act of 1793.—*Ante*, vol. i. Book ii.; See also Hansard, Third Series, vol. xxiii. p. 762; and vol. cxxxii. pp. 382, 387, 398.

and allowed no voice in the government of the institution, and practically no share in its emoluments. An incident occurred in 1845, which illustrates the character of Dublin University, at that time, and was not without a liberalizing influence on its management. Mr. Denis Caulfield Heron,[4] a Catholic, competed for a foundation scholarship, and gained it; but as he declined to take the Sacrament he was not admitted to the office. He made a strenuous effort to obtain the prize he had won, and elicited much public sympathy and support; but he did not succeed in his attempt to compel the authorities to alter their rules. However, his exertions and pluck in competing on public grounds for a position which he knew was not, according to the rules of the College, within his reach, did not go altogether unrewarded. Failing in his main effort to force the authorities to admit his co-religionists to the foundation scholarships, he was instrumental in inducing them to create a new class of scholarships for which Catholics were eligible. This was the last concession made by Dublin University to the Irish public until 1873, when, at length, all the prizes, offices, and emoluments of the institution were freely thrown open to the members of every religious denomination.[5]

The attempts made in the Imperial Parliament, prior to 1873, to provide the Irish Catholics with University instruction deserve to be noticed. In 1834, Sheil asked for leave to bring in a Bill to admit Catholics and "other Dissenters" to the foundation scholarships and the professorial chairs of Trinity College, but the measure was vigorously opposed by the representatives of the University, and was never read a first time.[6]

[4] Mr. Heron ultimately became a distinguished member of the Irish Bar, and for a short time represented the County of Tipperary in the Imperial Parliament.

[5] *Post.*

[6] The motion was made on the 8th of May, 1834. The House was counted out. The University members were Mr. Lefroy and Mr. Shaw, notorious champions of the Ascendency.

From 1834 to 1845, the subject was allowed practically to remain in abeyance. Then Sir Robert Peel proposed his important scheme which resulted in the foundation of the Queen's University. The great Conservative statesman, finding that the authorities of Trinity College were resolved to maintain the Protestant Episcopalian character of the institution, and that English public opinion would not tolerate a Catholic University, determined to meet the difficulties of the situation, and to supply the educational wants of the Irish Catholic youth by the establishment of a non-sectarian University, where attendance at religious instruction should not be compulsory,[7] and where professors of all religions, or of none, could be appointed. In fact, he tried to solve the problem of Irish university education, as Lord Stanley had in 1831 tried to solve the problem of Irish primary education, by founding a mixed system. With this object Sir Robert Peel proposed in 1845[8] that three non-sectarian colleges should be established—one at Belfast, one at Cork, and one at Galway; and that if they took root a university in connection with them should be founded. After a brief trial, the colleges were supposed to have taken root, and, in 1850, the promised university was chartered and endowed by the State.

The scheme was at first fairly well received by the Catholics. None of the popular representatives in Parliament opposed it, and, for a moment, its success seemed assured. But, suddenly, O'Connell raised his powerful voice against the proposal, denounced it vigorously at the Repeal Association in Dublin, in 1845, and declared in effect that no scheme of education which did not include and enforce religious teaching ought to be accepted by the Irish people. In fact, he,

[7] A Hall, however, was to be provided, where students could be instructed in the doctrines of their respective Churches.

[8] The measure was introduced in the House of Commons by Sir J. Graham.

practically, raised the cry of denominational education, and sought to rally the country to it.

On the other hand, the Young Ireland party, led by Davis and Duffy,[9] demanded a fair trial for Sir Robert Peel's experiment. What the youth of Ireland most needed, they said, was the habit of mingling together, and, for their part, they were disposed to favour rather a mixed, than a denominational system, because the former was better calculated to promote the one great object they held most dear, namely, national unity and freedom. "I was," said Davis, "brought up in a mixed seminary where I learned to know, and knowing, to love, my Catholic fellow-countrymen." "Disunion," he added, "alas! has destroyed our country for centuries. Men of Ireland, shall it destroy it again? Will you take the boys of Ireland in their earliest youth, and deepen the difference between them? Will you sedulously seclude them from knowing the virtues, the genius, the spirit, the affections of each other? If you do, you will vainly hope that they who were carefully separated in youth will be united in manhood, and stand together for their country." Half the Prelacy, he asserted, favoured their views.[9]

Both Davis, and O'Connell, however, had passed away before the Queen's Colleges were fairly started,[1] and before any very decided expression of popular opinion respecting them had been pronounced. That expression of opinion was delayed until 1851, when the Catholic Hierarchy met in Synod at Thurles, and passed resolutions condemning the new system, and declaring the necessity of establishing a Catholic uni-

[9] Davis' speech, in opposition to O'Connell, in Sir C. Gavan Duffy's "Young Ireland," p. 702. Sir Gavan Duffy has an interesting chapter respecting the differences between O'Connell and the Young Irelanders on the subject of the Queen's Colleges, which will repay perusal ("Young Ireland," Book iii. chap. vii.).

[1] Davis died in 1845, and O'Connell in 1847; the colleges were not in working order until 1849, nor was the University in existence till 1850.

versity in opposition to it. In 1854, the Catholic University was founded, under the presidency of Dr. Newman, and it continued for a period of nearly thirty years to be supported by public subscription, and attended by many of the Catholic youth of the country.[2]

As both the Catholic University and the Queen's University[3] have now become merged in the Royal University, there is no need to tell the story of their rivalry, or to examine the arguments used by the advocates of each establishment to show that the other had failed. Suffice it to say that the popularly supported institution was no mean competitor of its State-endowed rival; and that the latter, while supplying many Presbyterians, and some Catholics and Protestant Episcopalians with the advantages of a sound secular education, failed to make the mixed system acceptable to the nation.[4]

While the Catholic University, and the Queen's University were struggling for popular favour in Ireland, and while the former was vainly seeking for State recognition, the subject of university education was occasionally brought before Parliament. On the 4th of April, 1854, Mr. Fagan, member for Cork City, introduced a Bill to throw open Trinity College "in every particular, and for every purpose, to students and professors of every religion," but, like Sheil's measure of 1834, it was never read a first time. On the

[2] Nearly 130,000*l.* was contributed up to 1865.—The O'Donoghue, House of Commons, June 20th, 1865.

[3] *Post*, p. 340.

[4] In 1865, there were 405 students at the Queen's College, Belfast, of whom only 22 were Catholics; 263 at Cork, of whom 123 were Catholics; and 169 at Galway, of whom 78 were Catholics.—The O'Donoghue, House of Commons, June 20th, 1865.

The total number of matriculated students in the Queen's College in 1873 was 708, of whom 181 were Catholics. Of these students the great majority were not engaged in the study of arts. From 1859 to 1864 the Catholic art students in all the colleges averaged 59; between 1864 and 1869 the average number fell to 50, and between 1869 and 1871 it still further fell to 45.—Mr. Gladstone, House of Commons, February 13th, 1873 (Hansard, p. 387).

20th of June, 1865, the O'Donoghue moved an address to the Crown, declaring that the state of university instruction in Ireland was unsatisfactory, and praying that it might be amended; but, after a brief discussion, in the course of which Mr. Whiteside, member for Trinity College, protested against the admission of Catholics to the governing body of that institution, and Sir George Grey said that the Queen's University had not realized the expectations of its founders, the motion was withdrawn. On the 10th of July, 1868, Mr. Fawcett moved a resolution for the abolition of all tests in Trinity College, but withdrew it after a long discussion. On the 3rd of August, 1869, he returned to the subject, and again brought forward his resolution of the previous year, but again withdrew it. On the 1st of April, 1870, however, he once more revived the question, and with notable effect, for in the course of the discussion which ensued, Mr. Plunket, member for the University, declared, in an able and graceful speech, that, in the opinion of the authorities of Trinity College, the time had come when all tests ought to be removed; and removed accordingly all tests were in 1873.[5] But this concession came too late to satisfy the Catholics. If Trinity College had been freely thrown open to them forty years previously they might have used it, but they were not willing to use it now. Let Trinity College, they said, remain as it had always been, a distinctly Protestant institution, and let the State establish and endow a distinctly Catholic university for the benefit of the masses of the nation. But this the State refused to do. Mr. Gladstone, however, endeavoured, as Sir Robert Peel had endeavoured in 1845, to introduce a compromise scheme which might give satisfaction to the Irish Catholics, without offending English public opinion by the endowment of Catholic education as such.

On the 13th of February, 1873, he brought in a Bill by which it was proposed to abolish the Queen's Uni-

[5] 36 and 37 Vic. cap. 21.

versity, and Dublin University, and, to substitute in their places one central establishment, to which the Queen's Colleges at Belfast and Cork,[6] Trinity College, the Catholic University College, and several other Catholic seminaries were to be affiliated.[7] The government of the new university—which was to be a teaching as well as an examining body—was to be vested in a council of persons to be named in the Bill. Future vacancies were to be filled up for ten years by the Crown, and afterwards by a mixed system of co-optation, and election, in which the preponderating powers would ultimately have devolved on the affiliated colleges. There were to be no professorial chairs in the new foundation in theology, moral philosophy, and modern history; and a portion of the endowments of Trinity College was to be devoted to its support. This measure was met by a perfect storm of opposition. In England, Tories, and Radicals, Churchmen, and Nonconformists, and in Ireland, Catholics, and Protestants, Liberals, and Ascendencymen, Nationalists, and Orangemen, priests, and laymen, all united their forces to defeat it. English Radicals, and Nonconformists saw nothing in it but a scheme for the endowment of Catholic education in Ireland, and for the surrender of the instruction of the people into clerical hands. Tories, and Churchmen, shrank from a proposal which in any shape or form pretended to recognize the just claims of the Irish Catholics. The Irish Ascendency regarded a measure which involved the destruction of Dublin University as an outrage on themselves, and the Irish Catholics refused to accept any Bill which did not provide for the establishment of a Catholic University.

After a discussion, which lasted for four nights, and which was characterized by ability, animation, and bitterness, the second reading of the Bill was

[6] The College at Galway was to be suppressed as a complete failure.

[7] Hansard, Third Series, vol. ccxiv., p. 378, *et seq.*; "Annual Register," 1873, p. 11.

defeated on the 11th of March by a majority of 287 against 284 votes.

Mr. Gladstone, having staked the existence of the Ministry on the measure, resigned after this division; but Mr. Disraeli, feeling that on general questions of policy his opponent still commanded a considerable majority in the House, declined to accept office. Whereupon Mr. Gladstone continued to carry on the Government for the remainder of the year, and in January, 1874, Parliament was dissolved. The results of the General Election were favourable to the Tory party, and, in February, a strong Tory Administration, under the premiership of Mr. Disraeli, was formed.

After the defeat of Mr. Gladstone's Bill of 1873, the "Annual Register" wrote: "It may be conjectured that for some time to come no Government will attempt the hazardous task of Irish university education."[8] But, in 1879, the Government of Mr. Disraeli took up the subject, and with little difficulty passed the Act creating the Royal University.[9] This was a very simple measure. It abolished the Queen's University, and established an Examining Board with power to confer degrees upon all approved candidates, irrespective of their places of education. In addition, and rather as a second thought, the duty of framing a scheme of exhibitions, prizes, scholarships, and fellowships—for which Parliament was to supply the funds—was entrusted to the Senate of the new establishment. In fact, as Lord O'Hagan expressed it, the Ministerial scheme was a "skeleton," which the Senate was left to "equip with flesh, and sinews, and muscles." On it was thrown the task, his lordship said, of "creating the university and building on the lines" which the Government "had traced." Such being the responsibility vested in the senate, it is important to know how that body was constituted, and we are instructed on this point also by Lord O'Hagan, who tells us that "the Senate was nominated

[8] "Annual Register," 1873, p. 39.
[9] 42 and 43 Vic. cap. 65.

in the same equitable and liberal spirit in which the statute had originated. It represented every religious denomination, every political section, and every school of thought, and its constitution was so wise and just that it defied assault and silenced hostile criticism. It approached its work with an honest resolution to fulfil its obligations fairly. It laboured with zealous perseverance and conscientious care, getting all the guidance it could from the surest sources, and seeking the best men for the conduct of its affairs. The result has been that it has formed a curriculum which may match in its fulness and fitness for the special needs of the time and country those prescribed by any of the older collegiate establishments, and that it has chosen a body of Fellows of whose sound attainments, proved capacity, and acknowledged eminence any university might be proud."[1]

Thus was the "Royal University of Ireland" founded. The institution has not yet been long enough in operation to enable us to form any accurate opinion respecting its future. But, so far, it has not, at least, done badly. During the year 1882, 1,688 persons passed through its examinations, and in 1883 the number increased to 2,095. "When," said its Chancellor, the Duke of Abercorn, addressing a public meeting of its members, on the 25th of October, 1883, "When last year it was my privilege to inaugurate this university, I stated that we were by so doing acknowledging, and in part repaying, a debt long due to the Roman Catholic youth of Ireland. That such acknowledgment and repayment was well merited as a matter of justice to a large and thoroughly deserving class of our fellow-countrymen, and that it has been appreciated by them, is most conclusively proved by a careful examination of the long lists of passes, honours, prizes, and exhibitions which have been awarded by the Senate in respect of the recent examinations. In those lists we find that over and over again there recur, as the places at which

[1] First Report of the Royal University of Ireland, 1883, p. 17.

several of the most distinguished of our candidates have received their education, the names of the more important of the Roman Catholic colleges of the country. I congratulate them upon the successes they have attained, and I hope that we may regard their present positions as promises of thorough and hearty co-operation in the future."[2]

That the Royal University deserves fair play there cannot be a doubt; but it is yet upon its trial.

[2] Second Report of the Royal University of Ireland, 1884, p. 8.

BOOK XII.

THE LAND ACT, 1881.

CHAPTER I.

THE LAND QUESTION IN PARLIAMENT BETWEEN 1870 AND 1879.

On the 1st of August, 1870, Mr. Gladstone's first Land Act became law. By degrees, it was found not to fulfil the intentions of its author, and steps were taken in Parliament to amend it. In the first place, the Act had purported to legalize the Ulster custom; but in 1871 the question was raised that it had not, in fact, done so. I shall state in the words of Lord Cairns what occurred. "A considerable property in the north of Ireland being about to be sold, preparations were made in the Landed Estates Court for advertising it, and for stating the rights and encumbrances to which it was subject. Some of the tenants applied to the Court, not as litigants, but asking the judges, in their administrative capacity, to place on the particulars of sale, and in the conveyance, some notice of their rights. The judges conceiving this to be unnecessary, and their rights to be sufficiently secure, the tenants carried the matter to the Court of Appeal, where both judges sus-

tained the decision of the Landed Estates Court. They did so, however, on different grounds, the Lord Chancellor thinking their rights sufficiently secure, while Lord Justice Christian doubted whether they could be enforced, and apparently thought that the Landed Estates Court could take no cognizance of them." In these circumstances, and in order that the intentions of the Legislature might be effectually carried out, Lord Cairns, on the 15th of June, 1871, introduced a short declaratory Act providing that, in the case of any proceedings in the Landed Estates Court, the rights of the tenants under the Act of 1870 should remain valid, though they might not be specified or referred to in the conveyance. This Act received the Royal assent on the 21st of August, 1871, and so far the difficulties raised by Lord Justice Christian were disposed of. But other difficulties soon arose. The decisions of the County Court judges appointed under the Act gave dissatisfaction in certain cases. Complaints first came apparently from the landlords. A tenant upon the estates of a northern nobleman—Viscount Lifford—had held his farm under a long lease—a lease for three lives. On the expiration of the lease the landlord desired to resume possession. The tenant claimed his tenant right. The landlord denied the claim on the ground that the previous existence of a lease extinguished the right. The matter came before the Land Court Judge, who gave judgment for the tenant. The landlord appealed to the superior Courts, and Mr. Justice Lawson, before whom the appeal came, upheld the decision of the Court below. Upon this the landlord, on the 3rd of June, 1872, moved for a Select Committee of the House of Lords to inquire into the working of the Act, and he suggested that the Act ought in future to be administered by one central tribunal, by which general principles could be laid down, and a certain uniformity of decisions arrived at, instead of as at present, by a number of co-ordinate tribunals of in-

ferior jurisdiction. The Committee deliberated, but no change was made in the procedure for administering the Act.

The northern tenants next began to move. They seemed to have felt, rightly or wrongly, that some of the northern landlords were exhibiting a disposition to infringe upon the Ulster custom; and they were anxious that an effort should be made in Parliament to induce the Government to bring in a measure rendering this "sacred right," to use the words of Lord Lurgan's agent, perfectly secure against invasion. Accordingly, on the 2nd of June, 1875, Mr. Sharman Crawford, the son of one whose name is inseparably associated with the cause of tenant right, brought in a Bill to amend the Land Act of 1870. In introducing the measure he said that since the Act various attempts had been made to destroy the leading principle of the tenant-right custom—the right of free sale. New office rules had been drawn up and new agreements made, with the effect of doing away altogether with the tenant right, and the advantages obtained by Mr. Gladstone's Act. It was Mr. Crawford's main object now to safeguard this right of free sale, and he asked for leave to bring in a Bill for that purpose. The defect in the Land Act which Mr. Crawford sought to remedy was this: Under the Act the onus of proof in the cases of disputed tenant right was thrown on the tenant. He had *primâ facie* to show that upon the particular estate in question the right of sale existed. Mr. Crawford now proposed that the onus of proof should be shifted from the tenant to the landlord—that the right of sale should be presumed to exist until the contrary was proved, and that this presumption could not be rebutted by showing that the farm had previously been held under a lease. The Bill contained three other proposals. 1. That whenever a question arose as to increase of rent by the landlord, the Land Court judge should pronounce whether the increase was reasonable or unreasonable.

2. That the landlord should not be allowed to object to an incoming tenant unless the Land Court judge held that the objection was reasonable. 3. That the tenant should be entitled to sell his "good-will" by auction. The names on the back of this Bill were Richard Smyth, Sharman Crawford, Thomas Dickson, and Macartney. The second reading was supported by Mr. Butt, Mr. Law, (afterwards Irish Attorney-General in Mr. Gladstone's Ministry) and Lord Hartington. It was opposed by the Government, and negatived by a majority of 301 to 151.

The tenants of the South now determined to obtain an amendment of the Act so far as it concerned their interests, and with this object Mr. Butt introduced a Bill on the 29th of March, 1876. On that occasion the then leader of the Irish Party said—what had often been said before—that the Irish Land Question could only be settled by the adoption of measures giving the tenant security of tenure, and that this could only be attained by absolutely taking out of the hands of the landlords the power of arbitrary eviction. Because the Land Act had not done this it had failed. "I am bound, however," added Mr. Butt, "to say that if the landlords of Ireland had been actuated by a desire to carry out the intentions of the Legislature the result would have been more satisfactory, and there would probably have been no necessity for me to introduce this Bill." Mr. Butt now proposed the familiar scheme of the three F's. "I propose," said he, "that every tenant shall have permission to claim from the Chairman of his county the benefit of his improvements, and if he does that I propose that a certificate shall be given him protecting him against eviction by his landlord. That will in point of time establish a perpetuity of tenure. The great difficulty in anything of this kind is to get a tribunal which will fairly value the land. I confess that it is a difficulty which I have found very hard to meet. This idea of a valued rent seems to be getting

largely hold of some of the landlords, and I see that some of them suggest the valuation should be fixed by a Government valuer. There are, I admit, some attractions in that proposal. Another suggestion is that the appointment of the arbitrators should be vested in three Privy Councillors, and some time ago I proposed that the judges of assize should appoint them. It is, however, the most difficult thing in the world to find a tribunal to which you can entrust this task. I therefore propose, by this Bill, that the landlord and tenant should each select one arbitrator and the two arbitrators thus appointed shall agree on a third. In cases where the landlord should not appear I suggest that the rent should be assessed by a jury composed of three special and three common jurors." Such, he said, were the main provisions of the Bill, the principle of which was to establish fixity of tenure, fair rents, and free sale. The names on the back of the Bill were Butt, R. Smyth, Meldon, and Ennis. Its rejection was moved by Mr. G. Clive and seconded by Mr. Herbert. It was opposed by both the great parties in the House, and the second reading was negatived, after an adjourned debate, by a majority of 290 to 56. Mr. Law, who had supported Mr. Crawford's Bill, opposed Mr. Butt's; but the following English members voted for the second reading: Messrs. Allen, Barclay, Brogden, Burt, Gourley, and P. A. Taylor. Meanwhile, on the 21st of June (Wednesday), 1876, Mr. Crawford again brought forward his Bill. Mr. Gibson, now Lord Ashbourne, moved its rejection. Mr. Chaplin seconded the amendment, and had not concluded when, according to the rules of the House, the debate was adjourned. It was never resumed, and the Bill was withdrawn on the 5th of July following. On the 20th of June, 1877, Mr. Crawford again introduced his Bill, this time adding a clause for the extension of the Ulster custom to the rest of Ireland. Mr. Plunket moved the rejection of the Bill, and Mr. Goldney talked it out. The Bill

was withdrawn on the 6th of July. On the 25th of January, 1878, Mr. Crawford was once more up and doing. This time Mr. Marten moved the rejection of the Bill. During the discussion that ensued two unsuccessful attempts were made to count out the House. A division was ultimately taken, when the Bill was defeated by a majority of 85 to 66. On the 6th of February, 1878, Mr. Butt's Bill was brought forward by Mr. McCarthy Downing. Its rejection was moved by Sir John Leslie. The second reading was negatived by a majority of 286 to 86. On May 14th, 1879, Mr. Butt's Bill was brought forward by Mr. Shaw. Its rejection was moved by Sir Sydney Waterlow. In the course of the debate which followed, Mr. Lowther protested against the extension of the Ulster custom to the rest of Ireland, saying that he could conceive "no worse system upon which land could be held than that which is known as the Ulster custom." The Bill was rejected by a majority of 263 to 91. On July 2nd, 1879, Mr. Crawford's Bill was for the last time brought forward. Its rejection was moved by Mr. Gregory, and it was talked out by Mr. Goldney.[1]

Such was the state of the Land Question in Parliament when, in 1879, Mr. Parnell became a power in Irish politics.[2]

[1] The greatest part of this chapter appeared in the form of a letter to the *Daily News* on the 6th of January, 1881.

[2] It may, perhaps, be said that Mr. Parnell was a power in Irish politics before 1879, and some may fix the date of his ascendency later. The point is a matter of opinion. The facts are that he took his seat in the House of Commons, as member for Meath, on the 22nd of April, 1875, and that in 1880, he was chosen Chairman of the Irish Parliamentary Party in place of Mr. Shaw. A further fact is that, at the General Election of 1880, the test question in Ireland was practically, "Will you, if elected, follow Mr. Parnell?"

CHAPTER II.

MR. PARNELL.

THE appearance of Mr. Parnell as a political leader in Ireland marks an important epoch in the history of the country. Not since O'Connell's death, has there arisen an Irish constitutional agitator, who so completely commands the confidence, and engages the affections of the people, as does the present member for the City of Cork. And yet, the difference in disposition, education, training, thought, habit, action, and intellectual endowments, between the young chief, and the old tribune, is immense. In scarcely one characteristic—material or minute—are the two men alike. O'Connell was by nature a Celt; Mr. Parnell is by nature a Teuton. O'Connell was a great orator; Mr. Parnell is a clear, incisive, ready, effective speaker. O'Connell could play upon the sentiments and passions of the people, as an accomplished artist manipulates the musical instrument of which he is complete master. Few more remarkable sights have been witnessed than O'Connell addressing an Irish mass meeting. He could do what he pleased with the vast multitude, who hung upon his words, and watched every gesture with sparkling eyes and fondly, proudly-beating hearts. At one moment he would arouse their worst passions, calling forth the fiercest ebullitions of hatred and the strongest expressions of anger and ill-will. In the next, he could subdue those passions, strike the tenderest chords of human feeling in their hearts, and turn countenances

flushed with vengeance and fury into faces beaming with good-humour, and kindly smiles. Mr. Parnell does not possess this power.

O'Connell could lead the people to the verge of rebellion, and then, before they were aware of the fact, draw them suddenly back within the lines of the constitution. To-day he would tell them to cheer a Lord-Lieutenant of whom he approved, to-morrow he would bid them drive the same man from their midst; in both instances he would be implicitly, blindly obeyed. At a wink from him—and they understood his winks very well—the peasantry would resist the tithe-gatherer and meet the military and police in "battle array;" at another wink they would quietly submit to the authorities, and let the law take its course. At the beginning of a Parliamentary election he could place a candidate in the field to fight the Government nominee; in the middle of the contest order his followers to suspend their opposition, and then, before the close of the struggle, direct a vigorous renewal of the combat, and in the end bring in his man at the head of the poll. At one period he would unfurl the banner of Repeal, at another he would say, "Give the Union a fair trial," and at a third he would again raise the cry of Repeal; and in all these things he was obeyed. But Mr. Parnell could not with impunity act in like manner. The people give him a vehement and confiding, but not an unlimited authority. If he suspended the Irish Question to give aid to an English party bent (according to its powers) on doing justice to Ireland, as O'Connell did with the Repeal Question, and the Melbourne Ministry, his power would, probably, not outlive that experiment. On the other hand, he has constantly exhibited the capacity of controlling his Parliamentary supporters to an extent not surpassed by O'Connell. In fact, the old Tribune, who had all the gifts that persuade the masses, was omnipotent with the people; the present leader is almost equally powerful with a following who recognize his ability to

combine the political forces of the country and to lead them to victory. And, it may be added, that while O'Connell inspired the people, it is the people who inspire Mr. Parnell.

O'Connell thought out everything for himself, did everything for himself; always took the initiative, and allowed little scope to the mental or physical energies of his followers. Mr. Parnell acts very differently in this respect. He largely utilizes the energies of his friends, and rarely takes the initiative.

O'Connell created public opinion, Mr. Parnell represents it, or, what is practically the same thing, represents the forces which dominate it. O'Connell was, in truth, Ireland; Mr. Parnell is not, in the same sense, Ireland. O'Connell's word was the law of the land because *he* had spoken it; Mr. Parnell's word is the law of the land because the popular forces, on whose behalf he speaks, so will it. The Minister who would treat with O'Connell would treat with the nation; the Minister who would treat with Mr. Parnell might not. To emphasize this point, let me say that if Lord Melbourne had offered O'Connell the office of Chief Secretary for Ireland in 1835, and if O'Connell had accepted it, the people would have hailed the appointment with joy. But if Mr. Gladstone had offered Mr. Parnell the same position, and if Mr. Parnell had accepted it, that gentleman would in all probability have been assassinated before he was six weeks in Dublin Castle.

O'Connell would not tolerate the existence of any political force of which he was not himself the embodiment. Mr. Parnell is less exacting and autocratic. He is satisfied to identify himself with whatever force is strongest, and limits his action to shaping and regulating its course.

O'Connell made the "whirlwind" and produced the "storm;" Mr. Parnell leaves that function to others, reserving to himself the task of "riding in" the one and "directing" the other. O'Connell hated revolu-

tion, and would make no terms with it; Mr. Parnell, though naturally of a constitutional bent, would not decline to work with a revolutionary party, if he felt their assistance essential to the attainment of his ends. In this respect he rather resembles John Keogh than O'Connell. O'Connell cast the Young Irelanders out of the Repeal Association. But John Keogh worked hand in hand with Wolfe Tone in the struggle for the Franchise Act of 1793, because he felt that the help of the party of revolution was essential to success.[1] Mr. Parnell worked hand in hand with the Fenians in the struggle for the Land Act of 1881 for similar reasons.

O'Connell believed in the English connection; Mr. Parnell does not think about it. O'Connell considered that that connection would not be injurious to Ireland, provided Ireland was governed according to Irish ideas; Mr. Parnell's mind is perfectly open upon the subject. O'Connell considered that the question whether the Irish people should accept Repeal as a final settlement, or should be content with the Union, or should insist upon a severance of the connection between the two countries, was one entirely for his deliberation; Mr. Parnell thinks the question is one for the deliberation of the Irish people themselves. Under no circumstances, so far as we can tell, would O'Connell have countenanced an insurrectionary movement; but Mr. Parnell would perhaps in this matter, as in all others, place his services at the disposal of the nation which has elected him its chief.

In assailing his opponents O'Connell was frequently violent and often coarse; Mr. Parnell is seldom violent and never coarse.

O'Connell always resented the attacks made upon him, and followed up his own onslaughts in reply until his opponent was crushed. Mr. Parnell allows many attacks made upon him to pass unnoticed, and is

[1] *Ante*, vol. i. Book ii.

generally content with a single shaft of invective in return. Whenever there was a passage of arms between the Irish members and their opponents in the House in O'Connell's time, O'Connell was always in the fore-front of the fight. In similar circumstances, Mr. Parnell is often in the rear, carefully watching all the movements, and striking in with effect at the critical moment of the contest.

O'Connell never allowed a colleague to "fight his own corner;" Mr. Parnell always does.

O'Connell was disposed to cultivate the friendship of the English people; Mr. Parnell is not. O'Connell tried to propitiate English public opinion; Mr. Parnell despises it. O'Connell abhorred the Irish secret societies, and incessantly denounced the crimes which were committed in connection with them; Mr. Parnell equally abhors those societies, but does not equally denounce their crimes. O'Connell considered that the duty of maintaining order in Ireland devolved as much upon him as upon the legally constituted authorities; Mr. Parnell does not think anything of the kind. His duty, he would argue, is simply to obtain from the British Parliament whatever concessions the Irish people desire; and if, side by side with the agitation which he conducts for that purpose, the secret societies perpetrate outrages, and commit crimes, that is a matter for the consideration of the Government, not for him. If, he would insist, England cannot, after 300 years of domination, maintain order in Ireland without the assistance of agitators, then she ought to abdicate, and transfer the functions of government to a Parliament in College Green, representing the voice of the nation, and to an Executive in Dublin Castle, backed by the public opinion of the country.

O'Connell sought to combine in his character of leader, the qualities of popular agitator and responsible ruler; Mr. Parnell acts as an agitator only. O'Connell's motto was, "alter the laws by vigorous, and, if necessary, violent agitation within the lines of

the Constitution;" Mr. Parnell's is, "alter the laws in any method." In a word, to sum up the points of divergence between the two leaders by an apt illustration, O'Connell would not work with Gavan Duffy, and Mr. Parnell has worked with John Devoy.

So much with respect to the differences in disposition, mental gifts, thought, and action between the two men; but there are a few points of resemblance that deserve to be noted. O'Connell was a great Parliamentary tactician; so is Mr. Parnell. O'Connell always regarded the English House of Commons as a hostile assembly; so does Mr. Parnell. O'Connell considered that he was responsible to the Irish people only for his conduct and mode of warfare; so considers Mr. Parnell. O'Connell did not approach Parliament (as did so many Irish politicians) with "bated breath and whispering humbleness." He came boldly, defiantly, to demand justice for his country; and so comes Mr. Parnell. In three other characteristics the two men resemble each other—strength of will, courage, and back-bone.

While O'Connell was thus superior to Mr. Parnell in intellectual endowments—superior indeed to almost any man that Ireland has produced—Mr. Parnell possesses advantages in his contests with the British Parliament that were denied to O'Connell. O'Connell had but few energetic lieutenants; Mr. Parnell has many. Reading through the volumes of Hansard from 1830, to 1845, the one almost solitary name which appears constantly side by side with O'Connell's in his great Parliamentary combats is Sheil's. I have already referred to Sheil as the "Marshal Ney" of the Irish party in those days, but unhappily the great commander had few other vigorous or reliable "marshals." His own sons, Maurice, John, and Morgan[2] were men of some capacity, but they rarely threw them-

[2] John was the most serviceable of the three; Maurice the most gifted. Morgan is chiefly remarkable for his duel with Lord Alvanley.

selves into the battle with the zest, *élan*, and power necessary to make their weight felt, and to influence the issue of the struggle. With their names, however, and Sheil's, the list of O'Connell's serviceable lieutenants in the House of Commons is exhausted. In truth, the ablest Irish representatives—always excepting Sheil—did not follow O'Connell as their leader; they belonged to the rank and file of the English Whig party. Such men, for instance, were Perrin, O'Loughlen, Wyse, More O'Ferrall, Spring Rice. However, it must not be supposed that O'Connell had a worthless following in the House of Commons. I observe that an impression seems at present to exist that he generally went into the Division Lobby almost alone; but this is not the case. He was often very well supported, in his struggles against Whigs and Tories, alike. For instance, in his efforts in 1832, to restore the Forty-shilling Franchise, and to reduce the 10*l.* Freehold Franchise proposed by Ministers to 5*l.*, he was supported by minorities of 73, and 44 respectively.[3] In his amendment to the Coercion Address of 1833, he was supported by a minority of 40 members, consisting of 5 Englishmen, 2 Scotchmen, and 33 Irishmen. In the division on Charles Tennyson's amendment in 1833, that an inquiry into the causes of discontent in Ireland was necessary, 33 Irish members again followed him with Tennyson into the minority lobby. Ruthven's obstructive motion for the adjournment of the debate on Grey's Coercion Bill, was supported by a minority of 66, including 36 Irish, 28 English, and 2 Scotch members. In the division on the first reading of Grey's Coercion Bill, O'Connell was supported by a minority of 89, including 44 Irish, 43 English, and 2 Scotch members; in the division on the second reading he was supported by a minority of 84, including 40 Irish, 40 English, and 4 Scotch members; and in the division on the third reading he

[3] These minorities included some English members.

was supported by a minority of 86.[4] In fact, between 1832 and 1835, O'Connell had an average following in the House of about 30 or 33 Irish members who, upon the whole, voted well, though they did not speak well or much. After the General Election of 1834-35, 44 Irish members were returned pledged to support him, and those pledges were in the main kept by at least 35. Altogether, O'Connell was not quite so badly served in Parliament as some people nowadays think, although he was not so well served as Mr. Parnell is.

Mr. Parnell has, unquestionably, as active a band of Parliamentary supporters as it has ever been the fortune of any Irish political leader to command.

They are always on the spot whenever their presence is required, and often when it is not. They never lose an opportunity of striking a blow for "the cause." They are independent, courageous, persistent. They have no respect for persons or for things. Genius has no charms for them, rank no allurement. Personal character they disregard, and political experience they despise. They do not care about books. The study of political history they consider a waste of time. The amenities of society they put aside as fetters which restrain practical action. They talk frequently, and often well. They denounce freely, and abuse without stint. In all they say and do they keep one object ever in sight. They pursue it steadily, without turning to the right or to the left. And this object is the "smashing" of the House of Commons as the sole means of securing the legislative independence of Ireland. Among them, are some men whose intelligence is purely of a destructive character; but there are others more highly gifted. Foremost in the ranks of the mere "destructives," stand Mr. Biggar, Mr. William O'Brien, Mr. Harrington, Mr. William Redmond, and Mr. O'Kelly. Mr. Biggar is a gentleman of Scotch extraction, whose talents run

[4] *Ante*, vol. i. pp. 359, 420, 431, 432, 437, 440.

into "counting out" the House, in season and out of season, interrupting every speaker to whom he is politically opposed, and using every opportunity to express his contempt for British institutions, and for the usages of modern society. Mr. O'Brien is an enterprising journalist, a daring political combatant, and an indefatigable partisan. Mr. Harrington is a robust revolutionist; Mr. William Redmond a boisterous schoolboy; and Mr. O'Kelly[6] a man, whose great physical energies, personal courage, and special journalistic gifts, are thrown away in a legislative assembly. But differently must be classed the rest of Mr. Parnell's supporters, viz. Mr. Healy, Mr. Sexton, Mr. Barry, Mr. Justin McCarthy, Mr. T. P. O'Connor, Mr. A. O'Connor, Mr. John Dillon, Mr. Justin Huntly McCarthy, Mr. T. D. Sullivan, Mr. R. Power, Mr. Edmund Dwyer Gray, and the late Mr. A. M. Sullivan.

Mr. Healy is a man who has given ample proof of the possession of political abilities of a high order, and of worrying powers of great expanse. He is a clever speaker and a cautious counsellor; endowed with the gift of readily mastering details and quickly grasping facts. He is a hard worker and a good business man, as well as a fearless agitator, and a politician of decidedly constructive faculties. Mr. John Redmond is practical and sensible; and Mr. Justin Huntley McCarthy inherits the literary gifts of his distinguished father. Mr. Sexton is a brilliant speaker; and Mr. T. P. O'Connor enjoys an English reputation as a literary man of mark, as well as an Irish reputation for Parliamentary activity. Mr. John Dillon is a frank, outspoken, self-sacrificing enthusiast; a staunch friend, and a straightforward foe. Mr. Justin McCarthy's fame, as one of the most charming writers of our time, perhaps, overshadows his political career. But he, at least, possesses what is one of the greatest of

[6] Mr. O'Kelly has filled with distinction the post of war correspondent for the *New York Herald*, *Daily News*, and other papers.

political virtues—he is always at his post. Mr. T. D Sullivan is one of the most gifted song-writers tha Ireland has produced since Davis; and Mr. Edmun Dwyer Gray is conspicuous in the possession of th talents which constitute an able and a useful public man Of the late Mr. A. M. Sullivan, it may be said, that, no since Sheil's death, has Ireland sent to the Imperia Parliament a more skilful debater, or an abler rhetori cian; neither has she at any time possessed a mor patriotic son. With respect to the rest of Mr. Parnell' followers, it will be sufficient to state that, to para phrase what Wellington said of his Peninsular army they are prepared to go anywhere, and to do anythin which their leader commands.

Upon the whole, then, Mr. Parnell is better serve by his Parliamentary colleagues than was O'Connel by his. In truth, Mr. Parnell and his lieutenants com bined, do the work which O'Connell, in a great measur accomplished single-handed.[6] O'Connell roused th country, and led the fight in Parliament; agitated organized, commanded. But the country is roused fo Mr. Parnell; the organization is formed, the agitatio matured, and then he conducts the contest. Indeed his ascendency is due completely to the sagacity wit which he recognizes the political forces that dominat public opinion, and the courage and skill with whic he uses them. Neither Mr. Butt, nor Mr. Shaw pos sessed this sagacity, courage, or skill, and authorit slipped through their hands. In fact, Mr. Parnell i what neither Mr. Butt, nor Mr. Shaw was, a consum mate politician. He felt that what a political leade most wanted was political power, and political powe in Ireland, he finally concluded, could only be obtaine by securing the support or neutrality of the Fenians With Fenianism, then, he made terms; and by Fenian ism he has become powerful and popular.

[6] I refer to O'Connell before the days of Gavan Duffy, and Davi The Young Irelanders were, of course, a party in themselves, and n Irish leader ever gathered around him so brilliant a staff as Duffy.

To attack Mr. Parnell for his union with Fenianism is vain—vain as it was to attack John Keogh for his union with Wolfe Tone. Cheap party triumphs, useless personal victories, may be won by such tactics; but the interests of true statesmanship will not be so served. Fenianism does not exist without a cause; it is not powerful without a cause. The business of statesmanship should be to find out that cause and to remove it. Mr. Parnell seizes the weapons placed ready to his hands to fight the battles of his country. Statesmanship must make it clear that such weapons are not necessary; that right shall be done without violence, and just concessions made without rebellion.

CHAPTER III.

THE LAND LEAGUE.

MR. BRIGHT once said that Ireland was a land of evictions. He might with equal truth have added that she was a land of famines, too.

I have already traced the history of Irish distress from the beginning of the eighteenth to the middle of the nineteenth centuries.[1] I have referred to the terrible visitation of 1846-47, and quoted the memorable saying of De Beaumont, that the "history of the poor is the history of Ireland." Forty years after these words were written, the spectacle of a famine-stricken Ireland once more attracted the attention of the civilized world.

The seasons of 1877-78 had been bad. The season of 1879 was still worse. The estimated value of the potato crop—a staple article of food—which in 1876 amounted to 12,464,000*l.*, sank in 1879 to 4,625,000*l.*, and the value of other crops decreased in proportion.[2] In brief, before the middle of the year 1880, starvation stared the peasants of the western districts of Ireland in the face. I might cite many authorities to show how great were the sufferings, and privations of the peasants in the distressed districts, during the

[1] *Ante*, vol. i. Book iv. See also "Parliamentary History of the Irish Land Question."

[2] The total value of the principal crops, which in 1878 was 32,750,000*l.*, fell in 1879 to 22,743,000*l.*—Sir S. Northcote, Hansard, vol. ccl. p. 166.

winter of 1879, and the spring of 1880; but, I think, the following touching picture, from the pen of the late Mr. A. M. Sullivan, will be sufficient to convey to the reader's mind a just notion of the miseries which the people endured:—

Throughout all the western districts of Ireland, scenes harrowing and heartrending beyond description were to be witnessed. The cry of anguish and despair rose on every breeze. It was like a ghastly recurrence of "Forty-seven." In the schools—as some of the teachers, with moistened eyes, told the story to me—the terrible state of affairs at home could be read in the pinched and haggard countenances of the children. Inquiry revealed the fact in thousands and thousands of cases, that they came to school every morning without a morsel of food since the previous day, and could at best only hope for their share once a day of whatever the father might beg or borrow from others nearly as poor as themselves. Next, the teachers observed the clothing, on the little girls especially, getting lanker and thinner, and the under garments, few at best, went shred by shred to the village pawnshops. Day by day teacher and monitor could mark the gradual effects of gnawing hunger on the little faces, until one by one they were missed altogether from the little school—and added to the cemetery.[3]

During the Parliamentary session of 1879, the subject of the prevailing distress was frequently brought under the notice of Ministers by the Irish members, but with little effect; in fact, the Government of Lord Beaconsfield seems to have thought that the distress was a *bogus* affair, got up by "Home Rulers and anti-rent agitators"[4] for the purpose of airing the

[3] "New Ireland," seventh edition, p. 443. See also the reports (for the Dublin Mansion House Relief Fund) of Dr. Sigerson, Dr. Kenny, and Mr. Fox; also Mr. Tuke's pamphlet, "Irish Distress and its Remedies." Funds for the relief of the distress were established in Dublin by the Duchess of Marlborough and the Lord Mayor, and in New York by Mr. Bennett of the *New York Herald*.

[4] "The figures [quoted by Sir Stafford Northcote in 1880, showing the falling off in the value of the crops] of such an enormous deficiency startled many who had previously been disposed to believe that Irish distress had no serious foundation, except in the imaginations of Home Rulers and anti-rent agitators."—"Annual Register," 1880, p. 10.

"imaginary" grievances of the country. At this time Irish affairs were managed by a Chief Secretary, who, perhaps, excelled all his predecessors in that post, in ignorance of Irish concerns, and indifference to Irish wants. Why Lord Beaconsfield should have sent Mr. James Lowther to govern Ireland it would be difficult to tell, unless it was that that gentleman had never attempted to conceal his abhorrence of the policy of conciliation, and justice adopted towards the masses of the nation by the Government of Mr. Gladstone in 1869. He had never hesitated to say that the Disestablishment of the Protestant Episcopalian Church was a gross blunder, and a sacrilegious wrong, the Land Act of 1870 a measure of sheer robbery, and undisguised confiscation. In fact, Mr. Lowther was a Secretary of the good old Ascendency type; a man who gloried in the condition of things brought about by the battle of the Boyne, and the violation of the Treaty of Limerick; and who would, probably, have liked, were the thing possible, to see the halcyon days of the Penal Laws restored. To govern Ireland according to "Irish ideas"—that is to say, according to the wishes of the masses of the inhabitants of the country—seemed to him the acme of folly; to govern her according to the ideas of the "English garrison"—that is to say, according to the views of a handful of landlords and parsons—the consummation of wisdom. With such notions respecting the manner in which the government of Ireland ought to be carried on, it is scarcely necessary to say, that, Mr. Lowther's treatment of Irish subjects in the House of Commons gave much dissatisfaction to the majority of the Irish representatives. But Mr. Lowther did not care about this; indeed, he rather liked it. It gave him real pleasure, if I may use the expression, to rub the Irish popular members the wrong way. Nothing amused him so much as to treat topics, which they regarded as of great importance, with flippant levity. He answered their questions in a free and jaunty

and sometimes chaffing manner, just, as one of their number said, "as a stable-boy with a wisp of straw in his mouth,"[5] might leer at the passers-by. He had, indeed, a great contempt for the Irish, and he rarely lost an opportunity of showing it. In fact, Mr. Lowther was the correlative of Mr. Biggar. Mr. Biggar despised the House of Commons, and whenever he got the chance, "rasped" it. Mr. Lowther despised the Irish people, and whenever he got the chance, "rasped" them. Happily for constitutional agitators, men like Mr. Biggar sometimes find their way into the ranks of revolutionists; and happily for revolutionists, men like Mr. Lowther sometimes find their way into the ranks of constitutional agitators.

The adoption of prompt measures of relief to avert the famine which was impending over the country in the Spring of 1879, and the enactment of just land laws to protect the fruits of the tenant's industry, and to save him from eviction, and oppression, would, probably, have defeated the revolutionary schemes then in progress, and checked at the outset a movement whose action was destined, ere many months had passed, to shake to its base the foundation on which the landed property of the island rested. Mr. Lowther was warned of what was coming. On the 27th of May, Mr. O'Connor Power declared in the House of Commons, that, "If Parliament did not come forward within a reasonable time with some measure calculated to relieve the depression of the present state of agriculture in Ireland, scenes would arise in Ireland that would be far more dangerous to the rights of property, and to the order and tranquillity which should prevail in that country, than any that Ireland had been afflicted with in her long struggle with the ignorance, if not incompetency,

[5] Mr. O'Donnell, I believe. "I think," said Mr. Bright, "the Irish members have good reason to complain, and frequently to complain, of the manner and tone, and sometimes even the language of the right honourable gentleman [Mr. Lowther]."—Hansard, Third Series, vol. ccxlvii. p. 709.

of the English Parliament. If these warnings were now unheeded, and Parliament should plead for further delay, the consequences must be fixed on their own shoulders." On the same occasion, Mr. Parnell said that if the system of land tenure was not reformed, "the question was one which would have to be taken up by the Irish members in a firm and determined fashion; it was one that deeply affected their constituencies, and even if they were disposed to hang back a little on the subject, the constituencies would not allow them." But Mr. Lowther did not think about these things. In the first place, he was in complete ignorance respecting alike the nature and extent of the distress, and the character of the revolutionary designs afloat; and even if he was fully aware of all the facts and circumstances regarding both, the last thing he would have thought of doing was to take any steps for winning the support and confidence of the Irish peasantry. There were only two classes in Ireland whom Mr. Lowther cared to conciliate and befriend—landlords and Orangemen. Such was the "statesmanship" of Lord Beaconsfield's Irish Secretary; but far different was the "statesmanship" of the man who may be said to have at this time entered the lists to compete with him in, practically, the government of Ireland. This man was John Devoy.

John Devoy was a Fenian of a new type. He had played a subordinate part in the movement of 1865-67, and still continued carefully to watch over its interests in America, and elsewhere after the rising of 1867 had failed. Ten years of reflection, however, led him to the conclusion that many mistakes which needed amendment had been committed by the first organizers of the Fenian Society. Those men had been too much influenced by sentimental and idealistic views. They were not sufficiently practical; they did not value the gift of opportunism; they did not recognize that the all-essential requisite in political strife was—"expediency;" the one great object to be pursued—

"success."[6] Moreover, they did not work enough upon the materialistic feelings and instincts of the people; they did not appeal sufficiently to those selfish interests and considerations which so largely influence the transactions of mankind. In a word, they saw only a "green flag" (which was all very well in its way), but they lost sight of something which was of even greater importance, namely, "the land."[7] To fight for Irish freedom in the open field, as Stephens, O'Leary, Kickham, and Luby had taught, was manly and straightforward, but not practical; and to wait until it should become practical was to lose time, and to waste energy. The "policy of abstention," which had been adopted by the Fenian leaders since 1867, had, in the opinion of John Devoy, lasted quite long enough; it was now time to take action of some sort or other. Open warfare was out of the question; but a policy of active interference in Irish affairs; of intermeddling in the settlement of every important Irish question; of combination with constitutional agitators—and all for the one great object of working the country around to the cause of separation, was feasible and wise; and the adoption of this policy Devoy advised.

"Let us," he said in effect to the Fenian Brotherhood, "enter into the public life of the country. Let us take part in everything that is going on. Let us influence the currents of public opinion, and control the actions of public men. Let the power of the Fenians be felt at every Poor Law, Municipal, and Parliamentary election. Let their voice be heard in the discussion of the questions of Home Rule, Education, the Franchise, and above all, the Land. Let us get at the heart of the country, which can only be reached through the peasantry; and let us win the peasantry

[6] See John Devoy's letter, published in the *Nation*, January 4th, 1879.

[7] "Fenianism saw only a green flag . . . but the men of to-day have discovered that there is such a thing as land."—The *Irish World*, August 30th, 1879.

to our cause by making their interests our own." This was the proposal which John Devoy made to the leaders of the Fenian organization in America, and Europe, towards the end of the year 1878. In America the proposal was accepted by a large section of the association, but in Europe it was rejected by O'Leary, and Kickham. To those men the "new departure" seemed dishonest and immoral. To fight within the lines of the Constitution for the purpose of destroying the Constitution, struck them as a monstrous proposition, and they refused to be parties to the plan of tactics it involved. They would fight fair or not at all. The means by which the freedom of a country was won should, in their opinion, be as honourable as the end itself was just and holy. Better, they thought, continue enthralled for generations, than strike a single blow which was not in all respects honest, upright, and above-board. They would be one thing or the other—Revolutionists or Constitutionalists—and they preferred to remain the former, until Ireland was free.

John Devoy was not deterred from carrying out his plan by the refusal of the "old Fenians" to co-operate with him. He looked upon them as men who meant well, but were no longer fit to take part in practical politics. Men who could be so extremely nice in their notions respecting the conduct of public affairs, had clearly passed the stage at which their services could be of any use. The history of statesmanship all over the world justified the adoption of courses which individuals like John O'Leary might regard as tortuous, but which practical politicians, like himself, would consider expedient, and discreet. Devoy then firmly adhered to the lines of the "new departure," and a variety of circumstances and accidents, which wonderfully helped his designs, soon occurred. The first of these was the arrival of his old Fenian comrade in arms, Michael Davitt, in New York, in the winter of 1878. After a lengthened term of imprisonment for his participation in the rebellious projects of

1865-67, Davitt had been released on a "ticket of leave" by the Government of Lord Beaconsfield. Devoy at once broached the subject of the new departure to him. Davitt approved the proposal, and both immediately resolved to place their views publicly before their fellow-countrymen in America and Ireland. In a lecture delivered at Boston, in December, 1878, Davitt expounded the new policy, and in a letter published in the Irish papers in January, 1879, Devoy explained his plans. These declarations of policy were followed by action. In the spring of 1879, Devoy, and Davitt sailed for Europe, and subsequently visited Ireland.[8] I have said that the first circumstance, or accident, which favoured Devoy's schemes, was the arrival of Davitt in America. The second was the distress which prevailed in Ireland at the time of their visit to that country, and the prominence which, partly by reason of it, had been given to the question of the Land. In fact, when the two Fenians reached Ireland, the land agitation had practically commenced, and foremost among the agitators was a Connaught journalist named Daly. How far Daly was *solidaire* with Davitt and Devoy I cannot say. Neither am I in a position to state whether the latter had any definite views on the subject of Land Reform when they returned to their native country. Certain, however, it is that Daly invited both to a land meeting which he had convened in the County Mayo, and that both refused to attend. Subsequently, however, when Devoy, having seen his plans fairly laid, returned to America, Daly invited Davitt to attend another land meeting, and Davitt accepted the invitation. Whatever Davitt's views may originally have been; whether he, at first, intended to use the Land Question as a lever to effect separation; or whether he thought that the system was bad, and needed reform, I do not think there can be a doubt but that, once in

[8] Devoy in disguise.

the movement, he worked it honestly in the interests of the Irish peasantry, apart from all other considerations.

The movement now went gradually on. Meetings were held at various places. Landlordism was vigorously denounced, and the tenants were advised that the one sure means of reforming or destroying the obnoxious system, was to refuse the payment of all rents which they themselves did not consider just.

Mr. Parnell, and the Irish Parliamentary Party did not at the outset co-operate with Davitt. He invited Mr. Parnell to join his movement, but that gentleman at first refused, being desirous to ascertain how the country really felt upon the subject of the land before committing himself to any definite course of action. To make sure on this point, he sought information from a competent authority. He visited Charles James Kickham, a man whose knowledge of Irish affairs was only equalled by his sincere and devoted patriotism. "Are the people, Mr. Kickham," Mr. Parnell asked, "greatly interested in the question of the land?" "I am only afraid," rejoined Kickham, whose nature was always gentle, but whose language was sometimes strong, "they would go to the gates of h—ll for it."

This interview with Kickham, doubtless, exercised a decisive influence on Mr. Parnell's mind; and, finally, he flung himself into the movement. His adhesion was a great gain; for in him, Davitt found a man of strength, and courage who could unite the forces of revolution, and of Constitutional agitation.[9] It only remained to form a compact organization, whose ramifications could be extended throughout the whole country, and whose decrees might be made more binding than the law of the land. This organization was formed by Davitt in the autumn of 1879, and Mr. Parnell became its president. It was called "The National Land League of Ireland."

[9] The Irish Parliamentary Party attended land meetings unconnected with Davitt's movement; but it was not until he had practically got the country into his hands that they joined him.

It has been said—it was said during the Land League controversies of 1880-81—that Mr. Parnell joined Davitt's movement merely to work harmoniously with John Devoy for the purpose of severing the connection between England and Ireland. This statement is simply the blunder of ignorant partisanship; Mr. Parnell joined the movement because, after careful inquiry, he had satisfied himself that the heart of the country was in the question of the land: that there were revolutionary forces at the back of the agitation was to him a matter of detail. He, if I may use the expression, went in to win, and he knew he could not win without the help of those forces. In fact, the union between Mr. Parnell, and John Devoy was the union between John Keogh and Wolfe Tone over again. In 1792, Keogh trusted to his own strength to resist, in the last extremity, the party of revolution; and so, possibly, trusted Mr. Parnell in 1879. He probably also suspected that in any final struggle with the revolutionists, he would have the support of the Irish peasantry, who wanted, not separation, but the reform of the system under which they had become impoverished and degraded.

During the autumn and winter of 1879, the agitation was carried on with vigour. Violent speeches were made, and the doctrine that the tenants should pay no rents which they themselves did not consider just, was universally preached. But there was comparative freedom from agrarian crime. Indeed, a disposition which was shown in 1878, to carry on the war against landlordism in the old style, did not appear equally evident in 1879. For instance, we learn, from the *Times* of the 13th of April, 1878, that a "reign of terror" existed "on the borders of Mayo, Galway, and Roscommon;" this, the leading English journal ascribed to the prevalence of "Ribbonism." But the condition of things was different in 1879.[1] The policy of the Land League,

[1] The most serious outrage committed in 1879 was an unsuccessful attack, in September, upon Mr. Sidney Smith, agent to the Marquess of Sligo.

in truth, was not to encourage outrage, but to cut off the landlords' supplies; and, perhaps, in the last extremity, to incite rather to open rebellion, or guerilla warfare, than to assassination, and social crime.[2] No doubt, Mr. Daly made a speech at Gurteen on the 2nd of November, 1879, which, fairly construed, must be taken as an incitement to social crime; if that gentleman meant, or thought about, what he was saying, and whatever he meant or thought, he must be held responsible for his words. Having told the peasants to pay no rent, and to resist the process of eviction, he added, "and if there is a coward enough among you to take another man's land, then I hope he will be served as he deserves."[3] But Mr. Killen's speech at the same gathering was rather an incitement to open rebellion. "Self-preservation," he said, "is the first law of nature, and I leave it to you whether we are to obtain our rights as in other countries—by the pen and the pencil, or the sword."[4] On the same occasion Mr. Davitt spoke as follows:—

> Look to the wants and necessities of the coming winter; and when you have satisfied those wants, and necessities, if you have a charitable disposition to meet the wants of the landlord, give him what you can spare, and give him no more. I am one of those peculiarly constituted Irishmen, who believe that rent for land, under any circumstances, in prosperous times, or bad times is nothing more nor less than an unjust, and immoral tax upon the industry of a people. I further believe that landlordism, as an institution, is an open conspiracy against the well-being, prosperity, and happiness of the people; and I say that anything that is immoral—whether it be a rent, or an open conspiracy of landlordism—has to be crushed by the people who suffer in consequence of it. The farmers must

[2] It must be stated that some of the Land Leaguers were not averse to outrage; Mr. P. J. Sheridan for example. One of the consequences of the imprisonment of Mr. Parnell, and his colleagues was to strengthen the hands of this man, and of those who worked with him.—*Post*, p. 395.

[3] "Annual Register," 1879, pp. 97, 98.

[4] Ibid. Mr. Killen was not, I believe, a serious politician. But, as the League did not disown him, it must, in strictness, allow itself to be held responsible for his utterances.

labour from morning till eve to support themselves and their children, when in steps Mr. Lazy Unproductive Landlord and demands almost half of the money so earned, to sustain himself in the licentious and voluptuous life he often leads, not in Ireland, but away in London, Paris, and elsewhere. Not only does this system rob you of half your earnings, but it robs Ireland; it impoverishes Ireland, and gives away to another country, to enrich another people who never raised it. And are you going to tolerate any tinkering of this system? Are we here to listen to any proposal of fixity of tenure at fair rents, with periodical valuations? I say no. I say it is fixity of landlordism, fixity of poverty and squalor, and fixity of degradation that have made Ireland a reproach before civilization, a nation of beggars. I say that at last, in face of another impending famine, too plainly visible, the time has come when the manhood of Ireland will spring to its feet and say, "We will tolerate this system no longer."[5]

At a meeting in Limerick, Mr. Parnell spoke thus:—

It is the duty of the Irish tenant-farmers to combine, and ask for a reduction of rent, and if they get no reduction where a reduction is necessary, then I say that it is the duty of the tenant to pay no rent until he gets it. If you combine in this way, if you stand together, and if, being refused a reasonable and just reduction, you keep a firm grip of your homesteads, no power on earth can prevail against the hundreds and thousands of tenant-farmers of this country.

These are a fair sample of the speeches of the Land Leaguers, and they must, I think, be regarded rather in the nature of an advice to cut off the landlords' supplies, than to adopt the old methods of agrarian warfare.

As the agitation progressed the distress of the country increased. Committees were formed by the Duchess of Marlborough,[6] and the Lord Mayor, in Dublin, and by Mr. Gordon Bennett, of the *New York Herald*, in New York, to relieve the suffering peasantry; advances from the public Treasury were also made. In December, Mr. Parnell himself sailed

[5] Ibid.

[6] Wife of the Lord-Lieutenant.

for America, partly on a charitable, and partly on a political mission; partly to collect money in aid of the distressed districts; and partly to raise funds to carry on the war against the landlords. His mission was a great success in both respects. It consolidated the union between the revolutionary and the constitutional parties in the League, and resulted in the collection of substantial relief and political funds.

Prior to Mr. Parnell's departure for America, Messrs. Davitt, Daly, and Killen were arrested on a charge of sedition for their Gurteen speeches, but the Government dropped the prosecution, and let the offenders free.

In March, 1880, the intelligence that Parliament had been dissolved reached Mr. Parnell in New York, and he hastened back to take part in the General Election, which resulted in the overthrow of Lord Beaconsfield's Administration, and the return of the Liberal Party to power, with Mr. Gladstone at their head. In Ireland, the ranks of the Nationalists were strengthened, and Mr. Parnell was elected their Parliamentary chief.

So far, that is to say, up to March, 1880, the land agitation in Ireland had not been generally marked by deeds of crime and outrage.[7] There had been a refusal to pay rents; and open resistance to the process of ejectment, leading to loss of life among the peasantry, was offered; but the old methods of Whiteboyism and Ribbonism were not, in the main, practised. A serious change, however, in this respect was destined soon to occur.

[7] Mr. Gladstone stated, at Midlothian, on the 31st of March, 1880, that "there was an absence of crime and outrage" in Ireland. See also Hansard, vol. cclvii., pp. 109, 110.

CHAPTER IV.

THE GLADSTONE MINISTRY.

THE Government of Mr. Gladstone approached the subject of distress and disorder in Ireland with prompt and statesmanlike vigour. Recognizing the fact, that, in the peculiar circumstances of Ireland, a process of ejectment was only too often equivalent to a sentence of death,[1] and aware, that, in consequence of the distressed condition of the country, the tenants, in many instances, were unable to pay their rents, Mr. Forster, the Irish Secretary, introduced a Bill on the 18th of June, 1880, by which power was given to the County Court judges, in certain cases, to order the landlord to compensate the tenant on evicting him, even for non-payment of rent. The tenant, however, was obliged, before making good his claim for compensation, to prove four things to the satisfaction of the Court:—

(1) That he was unable to pay the rent.

(2) That he was unable to pay it, not from thriftlessness or idleness, but on account of the bad harvest of the current year, or of the two preceding years.

[1] Mr. Forster put this point very well. He said, that the power possessed by the landlord was not merely to recover the rent, but to recover the land. He reminded the House that in case of levying a distress in England, the sheriff was sometimes prevented by law from taking a man's trade instruments; but, he added, "land is the trade instrument of the Irish peasant," and when he is deprived of it he is deprived of the means of livelihood.—House of Commons, July 26th, 1880

(3) That he was willing to continue the tenancy on just and reasonable terms as to rent and otherwise.

(4) That these terms were unreasonably refused by the landlord.

This was, unquestionably, an extreme measure, but not an iota more extreme than the exigencies of the crisis demanded. Mr. Forster, in moving the second reading on the 25th of June, explained to the House that the state of Ireland was becoming alarming; that the distress of the country continued; that with the continuance of the distress evictions increased; and that with the increase of evictions resistance to the law grew more frequent. A vigorous agitation was also proceeding for the reform of the land system, and he urged, that, if Parliament did not take steps to relieve the sufferings of the peasantry, and to protect them from eviction, where eviction was clearly unjust, they would fling themselves into the hands of the agitators, and the results might be very serious to the general tranquillity. "The fire," he said, "has begun to burn, but if you pass this Bill it will put it out."[2]

The Bill, which has become known to history by the title of the "Compensation for Disturbance Bill," was supported by the Irish Party, but opposed by the Tories, and their Irish Ascendency allies. It was, however, read a second time in the Commons on the 5th of July by a majority of 295 to 217; and a third time on the 26th by a majority of 304 to 237.

On the 2nd of August, the second reading was proposed in the Lords; but their lordships made quick work of the measure. They rejected it, after two days' debate, by the overwhelming majority of 282 against 51; and it was at once dropped by Ministers.

With the rejection of the "Compensation for

[2] The number of eviction processes in 1879 was 1098. From January to June, 1880, a force of 3,300 police, with 107 officers, had been employed in protecting process-servers in the West Riding of Galway alone.—Hansard. Third Series. vol. cclii. p. 856.

Disturbance Bill," the land agitation in Ireland assumed an acuter phase. The peasants now despaired of obtaining protection from Parliament, and they resolved to protect themselves by their old methods of warfare. Ribbonism, which, as we have already seen, had raised its head in 1878,[3] but had in the interval more or less hung fire, came boldly to the front again.[4] The revolutionists also rejoiced, for they knew that the rejection of the Bill would tend to intensify the popular discontent, and inflame the popular hatred of England. Under their influence, and patronage, money flowed from America into the coffers of the Land League, and their agents set strenuously to work to stimulate the peasants to rebellious action.

The Constitutional agitators also flung themselves into the struggle with renewed vigour. War to the knife against landlordism was declared throughout the country, and carried on with violent energy by the joint efforts of Neo-Fenians,[5] Land Leaguers, and Ribbonmen. How, in the opinion of the Constitutional members of the Land League, the struggle ought to be conducted, was stated in a notable speech delivered by Mr. Parnell at Ennis, in September, 1880. He said :-

> Depend upon it that the measure of the Land Bill of next session will be the measure of your activity and energy this winter. It will be the measure of your determination not to pay unjust rents; it will be the measure of your determination to keep a firm grip of your homesteads. It will be the measure of your determination not to bid for farms from which others have been evicted, and to use the strong force

[3] *Ante*, p. 371.

[4] "The rejection of the Compensation for Disturbance Bill intensified the Land League agitation in Ireland, and furnished its leaders with a new text. . . . Soon after the rejection of the Bill there came more disquieting reports from Ireland." Cattle were houghed, tenants assaulted, property damaged, and hay-ricks burned. —"Annual Register," 1880, p. 102.

[5] John Devoy may be regarded as the leader of a Neo-Fenian movement.

of public opinion to deter unjust men among yourselves—and there are many such—from bidding for such farms. If you refuse to pay unjust rents, if you refuse to take farms from which others have been evicted, the Land Question must be settled, and settled in a way that will be satisfactory to you. . . . Now what are you to do to a tenant who bids for a farm from which another has been evicted? . . .

When a man takes a farm from which another has been evicted, you must shun him on the roadside when you meet him—you must shun him in the shop—you must shun him in the fair-green and in the market-place, and in the place of worship; by leaving him severely alone, by putting him into a moral Coventry, by isolating him from the rest of his countrymen as if he were the leper of old, you must show him your detestation of the crime he has committed.

Three days after the delivery of this speech, the advice which it contained—to pay only just rents, and to "isolate" all who would give, or demand more—was put into practical operation in the province of Connaught.

Captain Boycott, the agent of Lord Erne, had been offered by the tenants on the estate what they conceived to be a just rent. He refused to take it, and the tenants refused to give more; whereupon ejectment processes were issued against them. On the 22nd of September, the process-server went forth to serve the ejectments, but he was met by a band of peasants who forced him to abandon his work, and to retreat precipitately on the agent's house. Next day, the peasants visited the house and adjoining farm, and ordered all the servants in Captain Boycott's employ to depart—a mandate which was promptly obeyed—the result being that the unfortunate gentleman was left without farm labourers or stablemen, while all his crops remained ungathered, and unsaved. But the peasants did not stop there. They forbade the local shopkeepers to serve him; told the blacksmith and laundress not to work for him; threatened the postboy who carried his letters; and, upon one occasion, stopped and "cautioned" the bearer of a telegram. Captain Boy-

cott was veritably left "severely alone;" and "put into a moral Coventry."

As days wore on, it became a matter of pressing importance to him to have his crops saved, but no one in the neighbourhood could be got to do the work.

In these circumstances, an opportunity for making a demonstration was afforded the Ulster Orangemen, which that bellicose body resolved to use. One hundred of their number offered to "invade" Connaught to save Captain Boycott's crops. But the Captain informed the Executive that fifty men would be quite sufficient for merely agricultural purposes; and, being a man of a peaceful turn of mind, he did not feel at all disposed to see a hundred Orangemen marching in battle array over his farm, shouting "To h—ll with the Pope," and drinking the "memory of the pious, glorious, and immortal," at his expense. Fifty men were accordingly despatched to Connaught, under the protection of a force of 7,000 military and police, with two field-pieces, to save Captain Boycott's crops.[6] The Orangemen, on arriving at their destination, could not procure any cars to take them from the railway terminus to Captain Boycott's residence, and they had to perform this journey on foot, marching with an escort through slush, and mud, and water, pelted, laughed at, and jeered all the way by a collection of ragged little Connaught urchins—male and female—who delighted in worrying, and harassing the northern "True Blues." However, all ended peaceably and well. The crops were saved, and Captain Boycott departed from Connaught with the Orangemen for Dublin, leaving the peasants masters of the situation.[7] So terminated this celebrated incident in the Land War of 1879-81—an incident

[6] "Every preparation had been made to secure the safety of the Ulstermen. It was calculated that altogether, counting police as well as military, there were 7,000 men engaged in keeping the peace in Mayo."—"Annual Register," 1880, p. 120.

[7] "Annual Register," 1880, pp. 118, 121.

whose "*éclat* gave an immense impulse" to the cause of the tenants, and resulted in the addition of a word[8] to the English language.

The "isolation" of Captain Boycott was followed by another famous case, in which the doctrine of exclusive dealing was rigidly enforced. Mr. Bence Jones, of Clonakilty, in the County Cork, had incurred the popular displeasure, and was, in the phraseology of the time, "boycotted." He tried to sell his cattle at the Cork market, but no one could be got to buy. He then sent them to Dublin to be shipped off to the Liverpool markets, but the labourers in the service of the Dublin steamboat companies refused to put them on board. Finally, after a great deal of difficulty, the cattle were taken in small batches across the Channel, and sold.

After these two cases, "boycotting" became a great weapon in the armoury of the Land League, and was, as one of the Leaguers said, "better than any 81-ton gun ever manufactured." Unhappily, however, it was not the only weapon used in the progress of the struggle. During the autumn, and winter months of 1880, the old methods of Whiteboy, and Ribbon warfare were revived. Cattle were houghed and maimed; tenants, who had paid more than "just" rents, or had taken farms from which others had been evicted, were dragged out of their beds at night, assaulted, sometimes carded, and often placed on their knees, and forced, while shots were fired over their heads, to promise submission to the popular decrees in future. Bands of peasants scoured the country, firing shots into the houses of obnoxious individuals, their object, however, being rather to intimidate than to kill. Graves were dug before the doors of evicting landlords, and deeds even of murder were committed. Lord

[8] The word *boycott*. Captain Boycott—who was always well liked, but who only incurred the displeasure of the peasants by carrying out the instructions of his chief—has long since gone back to Connaught, and is now one of the most popular men in the district.

Mountmorres was killed; a farmer named Ferrick was killed; a landlord in the County Kerry was fired at, and the unfortunate driver of the car was accidentally shot dead. A lady in Limerick—Miss Ellard—was fired at, and the dash-board of the phaeton in which she was driving, hit. However, in the main, the outrages committed during the agitation of 1879-81 were neither so numerous nor so aggravated as those perpetrated during previous agrarian wars.[9] Nevertheless, the state of Ireland at the close of the year 1880 was discreditable to a civilized government,—highly discreditable to British statesmanship, after the administration of Irish affairs during a period of nearly three hundred years. "What good is Ireland at all to you?" Mr. Bright once asked in the House of Commons. "What good is England at all to us?" the Irish people might have fairly asked upon a careful review of the condition of things in Ireland from the sixteenth to the nineteenth centuries.

The statement that the Land League was responsible for the disorganized state of Ireland in 1880 has frequently been made; that, in fact, without the League there would have been no outrages, no disturbances. This statement is absurd. The truth is, that without landlordism there would have been no outrages, no disturbances. Before ever there was a Land League in existence the Irish peasants waged relentless war against the Irish Land System; and they would have continued to wage that war until their demands for Fixity of Tenure, Fair Rents, and Free Sale, were granted, if Mr. Parnell, and Mr. Davitt had never lived, and if the ingenious and energetic John Devoy had remained a peaceful American citizen, and nothing more. Indeed, I think that, upon the whole, the

[9] "The amount of crime was conspicuously smaller than in previous agrarian agitations. The abominable maiming of cattle was, probably, more common, but acts of violence to persons were unmistakably less frequent. The great majority of offences in [Munster and Connaught] consisted in sending threatening letters."—"Annual Register," 1880, p. 123.

operations of the League tended rather to diminish than to increase outrages; and for this reason: the great weapon of the League was boycotting, and though, in some cases, boycotting decrees were enforced by violence, yet, in the main, they were willingly obeyed, and their efficacy proving sufficient to check the power of the landlords, the necessity of resorting to the old methods was not so widely felt. This, I believe to be a fair statement of the case.[1] The action of the League, however, was not in other respects free from censure. Its members, as a body, did not condemn the commission of outrages with sufficient vigour and persistency; the maiming of cattle, the assaults on peasants, even the murders, were not denounced, as they ought to have been, habitually and systematically. In fact, the great sin of the Leaguers was that they did not preach down agrarian crimes as they preached up boycotting.[2]

But, in reality, the chief responsibility of the Land League rested upon the fact, that by reason of its action, in great measure, the legally constituted government of the country had practically broken down towards the end of the year 1880. To say that this condition of things would not have been brought about without the operation of the League would be rash, in face of the well-known letter written by Lord Wellesley on the state of Ireland in 1834. In that letter his lordship—then Lord-Lieutenant—said, referring to the Whiteboy and Ribbon Confederacies, "A complete

[1] "The comparative immunity of Ireland from agrarian crime was due to the quickness with which the Irish peasantry recognized the efficacy of boycotting."—"Annual Register," 1880, p. 123.

[2] Mr. Davitt was a notable exception. "Friend and foe alike bore testimony to his personal sincerity, and, undoubtedly, he had ever since his return from America spoken strongly against all forms of outrage, and had urged again and again that violence could only damage the cause of the League."—"Annual Register," 1881, p. 203. "Mr. John Dillon protested at one of the meetings against shooting men in the dark from behind hedges. Let them meet their adversaries, he said, face to face in the open day."—"Annual Register," 1880, p. 110.

system of legislation, with the most prompt, vigorous, and severe executive power, sworn, equipped, and armed for all purposes of savage punishment, is established in every district. On this subject I cannot express my opinions more clearly, nor with more force or justice, than your lordship will find employed in a letter addressed by Lord Oxmantown, Lord-Lieutenant of the King's County, to Mr. Littletown. Lord Oxmantown truly observes that the combination established surpasses the law in vigour, promptitude, and efficacy, and that it is more safe to violate the law than to obey it."[3] What Ribbonism did in 1834, Ribbonism might again have accomplished in 1880, unaided by the action of the Land League. But, however that may be, the fact is unquestionable that the League—whose organization was perfect, whose ramifications extended almost throughout the whole country, and whose executive was "prompt and vigorous"—largely contributed to the general result. It was indeed Mr. Forster's opinion that the League was the great offender, the great instigator of lawlessness; and at the League he accordingly resolved to strike. On the 28th of December 1880, he indicted at the bar of the Queen's Bench Division, Dublin, on a charge of conspiring to prevent the payment of rents, the leading members of the organization—Charles Stewart Parnell, M.P.; John Dillon, M.P.; T. D. Sullivan, M.P.; Thomas Sexton, M.P.; Joseph G. Biggar, M.P.—members of the Land League Executive—Patrick Egan, honorary treasurer; Thomas Brennan, hon. secretary; and M. P. Boyton, Matthew Harris, P. J. Sheridan, John W. Walsh, and M. M. O'Sullivan, "organizers;" together with Mr. P. J. Gordon and John W. Nally, who may be described as "free-lances." The trial lasted nineteen days, and resulted in the disagreement of the jury—ten jurors being for an acquittal and two for a conviction. After this abortive trial, Mr. Forster concluded that it was

[3] Letter from Lord Wellesley to Lord Melbourne. Papers relating to the State of Ireland, July, 1834.

idle to attempt any longer to govern Ireland by ordinary law, and, on the meeting of Parliament in January, 1881, he came to the House of Commons to demand exceptional powers for the maintenance of order in the country. The hands of the Executive, he declared, were paralyzed by the action of the League. Under its directions and influence tenants refused to pay rents, and outrages were frequently committed. Witnesses could not be found to give evidence against public offenders, nor juries to convict them. In fact, the administration of the ordinary law had entirely broken down; the course of justice had been completely stopped. In these circumstances, he asked Parliament to give him plenary powers for arresting and imprisoning, during his pleasure,[4] all whom he suspected of furthering the illegal projects of the League; of preventing the payment of rents, and enforcing the boycotting decrees of the organization by violence and outrage.

Mr. Forster's proposal was vehemently resisted by the Irish Party. It was, they said, a return to the old policy of coercion. The Government had admitted that the Irish Land System needed reform. Mr. Forster himself, in introducing the Compensation for Disturbance Bill, had conceded the important principle, that evictions, even for non-payment of rent, should not, in the interests of the public peace, be left at the discretion of the landlords. And yet, in the face of these admissions, the Government, instead of promptly striking at the Land System, and restraining the evicting power of the landlords, had resolved to attack the tenants' organization. Was this conduct consistent? Was it just? If the tenants needed protection, why assail their organization? If they did not, why have introduced the Compensation for Disturbance Bill? But, it was said, that the Government meant to follow up the Coercion Bill by a Land Bill,

[4] Practically, for Mr. Forster was at this time really the Government of Ireland.

and, that in the interval it was necessary to invest the Executive with extraordinary power for the maintenance of law and order. But what guarantee had the Irish members that a Land Bill would be passed? The Compensation for Disturbance Bill had been rejected. Might not a similar fate be in store for the Land Bill? Moreover, they did not believe that law and order could be maintained by the adoption of coercive measures. Irish disturbances were caused by Irish grievances; and the true policy for the suppression of the disturbances was the prompt removal of the grievances. Coercion was a surrender to the House of Lords; and if the strongest Liberal English Ministry which had held office since the Reform Act could not do justice to the Irish people without having recourse to the old methods of misgovernment, and exasperation, in the first instance, that fact was conclusive against the maintenance of British authority in the island at all. Anyhow, they were resolved to resist the measure *à outrance*, and to prevent its enactment by every means in their power.

The issue thus raised between the Irish Party and Ministers was fought out in one of the bitterest contests which has taken place in Parliament for fifty years.

I have already described the conflict over Grey's Coercion Act in 1833.[5] Then the debate on the Address was carried on for five nights, under the direction of O'Connell.[6]

The debate in the Commons on the motion for leave to bring in the Coercion Bill lasted six nights; the debate on the second reading lasted two nights; and six nights were occupied in the discussions in Committee.

In 1881, the debate on the Address was carried on for eleven nights, under the direction of Mr. Parnell.[7]

[5] *Ante*, vol. i. p. 415, *et seq.*

[6] Four days on the Address, and one on the Repor

[7] See "Annual Register," 1881, p. 26.

The debate on the first reading of the Coercion Bill lasted five nights, and the debate on the second reading four. The Committee stage occupied ten nights,[8] and the debate on the third reading two. But it was over the first reading that the most memorable struggle took place. Believing, after the debate had lasted three or four nights, that the measure could not be defeated by discussion on the ordinary lines, Mr. Parnell resolved to check its progress by resorting to the powerful weapon of obstruction. Motion upon motion for the adjournment of the House or the debate was made by the Irish Party, and supported in lively speeches. The House at first thought that the small minority would be worn out by the majority insisting on a continuous sitting; but this hope soon proved delusive. Man by man the Irish contingent came up to the work briskly and vigorously, and hour by hour passed without the slightest indication on their part of fatigue or surrender. At length, at nine o'clock on Wednesday morning, the 2nd of February, the Speaker—who had been relieved from time to time in the discharge of his duties, during an uninterrupted sitting of forty-one hours—resumed the Chair, and reviewing the incidents of the debate, declared that in the interests of "the dignity, the credit, and the authority of the House," he had resolved to stop the further discussion of the Bill, and to call upon hon. members to decide at once on the question of the first reading. This announcement fell like a thunderclap on the Irish Party; they were thoroughly unprepared for it; they had no conception that the debate would be closed in this manner. Accordingly, taken completely by surprise, they did not attempt to resist the Speaker's authority, and the first reading was then put and carried by a majority of 164 to 19.[9]

[8] Eight nights on the Bill, and two nights on the Bill as amended.

[9] Practically this was the result of the technical motion put by the Speaker. The minority was composed of the following members: Barry, Biggar, Brooks, Callan, Commins, Fay, Gabbett, Gray

Immediately afterwards, the House adjourned, the Irish members, astonished and perplexed, crying out, as they retired, "Privilege, privilege."

Mr. Parnell was not present at this scene. He had been at his post until an advanced hour in the morning, and had retired for a brief rest. But the intelligence of what had occurred was quickly borne to him. He received it with characteristic *sang-froid*, smiled, and to the question of his colleague who had brought the news, "What shall we do now?" quietly and promptly answered: "Be in your places when the House sits."

The House sat at twelve o'clock on the same day. The report of the Speaker's *coup* had spread rapidly throughout the West End, and many persons had gathered within the precincts of the House to watch the further development of events. The Lobby was crowded, as usual on great or critical occasions, and the question, "What will Parnell do now?" passed hurriedly around. There was a general impression that any attempt on the part of the Irish members to resist the ruling of the Speaker, or to reopen, in any shape, the discussion which had been so summarily closed that morning, would be attended with grave consequences, the nature of which, however, no one ventured to define. "They will be sent to the Tower," said one bystander. "Nonsense," said another. "Then what will happen?" said the first. "God knows," was the reply, "but the House is not in a temper to stand any nonsense now."

About twelve o'clock, the Speaker entered the House, looking as if nothing out of the ordinary routine of business had occurred. He was soon followed by the Irish Party, who marched from the Library through the Lobby in single file with Mr. Parnell at their head, looking somewhat perplexed, but combative

Kinnear, Leamy, McCarthy, McCoan, Molloy, J. P. O'Connor, O'Kelly, O'Connor Power, Sexton, J. D. Sullivan, and Synan. Tellers: Givan and Lyons.—Hansard, Third Series, vol. cclxii. p. 2035.

and defiant. After some preliminary matters had been disposed of, Mr. Labouchere rose, and in a full House, breathless, I think I may say, with expectation, and perhaps anxiety, said, in his clear, bell-like voice, "I wish to ask you, Sir, whether in bringing the debate upon the question which was before the House this morning to a sudden close you acted under any Standing Order of the House, and if so, which?" Mr. Labouchere's rising was received with complete silence, and when he resumed his place only a very feeble cheer broke from the Irish ranks. It was plain that the Irish members had not yet recovered from the effects of the Speaker's blow, and that they were far too anxious and too uncertain as to the issue of the combat to cheer much or heartily. When Mr. Labouchere sat down the Speaker rose, and folding his gown around him with dignity, said: "I acted upon my own responsibility, and from a sense of duty to the House." Then a loud and prolonged cheer broke from the Whig and Tory benches—the cheer of men who had been victorious, and were resolved that the fruits of their triumph should in no wise be endangered. When the cheering ceased, Mr. Parnell rose, and his rising was the signal for a cheer, but yet a feeble one, from his followers. He said: "I venture, Sir, to assume it will be proper for me, in consequence of the reply which you have just vouchsafed to the question of the hon. member for Northampton, at once to bring forward, as a matter of privilege, a resolution declaring that the action of the Speaker in preventing further discussion on the Protection of Person and Property (Ireland) Bill this morning was a breach of the privileges of the House." Mr. Parnell resumed his seat in silence, and the Speaker at once rose, and in measured language answered: "The hon. Member having stated the resolution he proposes to submit to the House, I have to inform the hon. Member that the resolution he so proposes, relates, not to a question of privilege, but to a question of order."[1]

[1] For the benefit of the uninitiated, it may be stated that a ques-

These words were received with another burst of cheering from the Whig and Tory benches; and the Speaker continued: "If he thinks proper to bring the matter under the notice of the House in the regular way, he is entitled to do so by notice of motion, but not at the present time, and as a question of privilege." Once more the words of the Speaker were received with Whig and Tory cheers, amidst which he resumed his seat. Mr. Parnell rose again, and again slight Irish cheers greeted him, his followers being desirous of showing their loyalty to him, but feeling that, in the present crisis of affairs, they really were not in a position to cheer. They had been crushingly defeated in the morning, and there did not yet appear the slightest chance of the tide of battle being turned against their adversaries. In these circumstances they doubtless thought that it did not behove them to demonstrate too much. Their leader, addressing the Speaker, said: "Sir, I respectfully submit for your further consideration that there is at least one precedent for the course I propose to take." The Speaker firmly replied: "I have ruled that the course the hon. member proposes to take is out of order." Again the Whigs and Tories cheered lustily, and the Speaker added: "If he wishes to challenge that ruling, he is entitled to do so by motion." Mr. Parnell rose again, but the House had now grown impatient, and cries of "Order, order!" broke from the benches at both sides above the gangway, in the midst of which he sat down. Here, the O'Donoghue interposed to ask when his "hon. friend would have an opportunity of raising the question of order"—an interrogatory which was received with laughter. The Speaker answered, "That is a matter for the House itself"—a reply which evoked another salvo of cheers from the Whigs and Tories.

tion of privilege can be raised on the instant, but a notice (which may entail a long delay) has to be given in bringing forward a question of order.

And now the struggle seemed all over. There were slight "movements" in the House, as if hon. Members were preparing to settle down to business. The Speaker leant back in the Chair, and waved his hand gently in the direction of the Treasury Bench, to indicate to the leader of the House—Mr. Gladstone—that the course was at length clear for taking the "Orders of the day." At this juncture, Mr. A. M. Sullivan sprang to his feet. "Do I understand you, Sir," he said with outstretched hand, and in a clear and manly voice, "do I understand you, Sir, to rule that my hon. friend cannot as a matter of privilege challenge the course which, without precedent, you took this morning?" He paused for a moment, manifestly much agitated, but quite self-possessed, and then boldly continued: "In that case, Sir, I rise to move that the House do disagree with Mr. Speaker in that ruling." Now for the first time hearty cheers broke from the Irish ranks; mingled with cries of "Chair!" "Chair!" "Order!" "Order!" from other parts of the House. The Speaker quickly rose, and said: "In taking that course the hon. Member will be disregarding the authority of the Chair; and I must caution the hon. Member that the course he proposes to take will involve him in the consequences of that proceeding"—a reply which again called forth shouts of applause from the Ministerial and Tory benches. Mr. Sullivan, nothing daunted or disturbed by the minatory words of the Speaker, replied that there was no member of the House more ready to bow to the ruling of the Chair than he, as there was none who more "totally disregarded consequences in the discharge of conscientious duties." He was only seeking for advice, and direction, and wished to be instructed and guided by the Speaker in the course he proposed to take. "I ask you, Sir," he said, "whether it is not a fact that on the journals and records of this House there stand motions that the House do disagree with a particular ruling of Mr.

Speaker on the point of order?" Again there were Irish cheers, which had scarcely subsided when the Speaker rose and answered: "I can quite understand that there may have been motions of that kind made in the House, and it may be that the hon. Member can make such a motion, but not as a matter of privilege."

"I did not rise," answered Mr. Sullivan, "to make it as a matter of privilege, but to ask your advice as to the course proper to take."

The Speaker replied: "If the hon. Member admits that it is not a question of privilege, his course is quite clear; he is bound to give notice of motion." Once again the decision of the Speaker was the signal for Whig and Tory expressions of triumph and exultation; but these manifestations of feeling in no wise disconcerted the sturdy Celt, who was now full of fight, and quite indifferent to consequences.

"I thank you, Mr. Speaker," he said, "but I wish further to ask you if it is not a fact that the ruling of the Chair has been challenged on the instant?" The great crisis in the contest had now clearly arrived. The answer of the Speaker to this question would manifestly decide the issue, and it was accordingly awaited with much anxiety. "The hon. member," said the Speaker, "asks me a question which, at the present moment, I am not able to answer without searching for precedents." No Whig or Tory cheers greeted these words, but a ringing shout of triumph broke from the Irish benches, which was repeated again and again as Mr. Sullivan rose, and, waving his hand in the direction of his countrymen, essayed to speak, but in vain, for the plaudits of the Home Rulers rendered all sounds, save their own cheers, inaudible. At length, the cheers gradually subsiding, and complete silence having for a moment supervened, Mr. Sullivan, raising his voice to its highest pitch, and speaking with great deliberation and firmness, said: "Then, Sir, in order that you may have time to search for pre-

cedents, I shall conclude with a motion." This declaration was received with another outburst of Irish applause, which was not in the least checked—but perhaps, rather stimulated—by the rising of the Speaker. When order was restored, the Speaker, looking grave and serious, said: "I caution the hon. Member that if he proposes to move the adjournment of the House with the view of calling in question what was done this morning, he will be entirely out of order." This statement was received with ironical laughter by the Irish members, and met by Mr. Sullivan with a pointed and, I think, a dignified reply. He said: "Sir, I am about to move the adjournment of the House, and I trust that I shall do so within the strict rules and privileges of the House, and not beyond them." He then proceeded to deliver a clever speech on the question of adjournment, which lasted nearly an hour. He was followed by Mr. Gray, who seconded the motion; in quick succession the rest of the Irish members, supported by Mr. Cowen and Mr. Labouchere, came up to time; and the debate dragged on until a quarter to six in the evening, when the House adjourned. Thus, the Irish members, on Wednesday afternoon, gained a victory over the House, which was as complete as that gained by the House over them in the morning. Throughout the whole of Wednesday they obstructed the public business, and rendered the work of the Speaker in stopping the debate in the morning practically inoperative.

But the contest was not yet over. It was renewed on Thursday evening, when the Irish members, by the adoption of tactics which to an outside observer of events seems unintelligible, but which may nevertheless have been inspired by good occult reasons, brought upon themselves a decisive defeat. On the sitting of the House on Thursday, the 3rd of February, it was announced by Sir William Harcourt that Michael Davitt had been arrested at one o'clock that day in Dublin. Whether the Irish members, having heard of

Davitt's arrest, had come to the House determined to make a disturbance, or whether the scene which occurred was unpremeditated, I am not in a position to say. The bare facts are, that as Mr. Gladstone had risen to introduce the New Rules for the prevention of obstruction, and as he was describing "the subject" as one "of considerable novelty, and of the extremest gravity," Mr. Dillon rose amid cries of "Order" and "Chair;" whereupon the Speaker interposed and said, "The right hon. gentleman [Mr. Gladstone] is in possession of the House." But Mr. Dillon rose again, and was again met with cries of "Order," "Chair."

THE SPEAKER: "I call upon the hon. Member to resume his seat."

MR. A. M. SULLIVAN: "But the hon. Member rises to a point of order."

MR. DILLON: "Mr. Speaker, I rise to demand my privilege—"

MR. SPEAKER: "The hon. Member for Tipperary is disregarding the authority of the Chair; therefore, in the terms of the Standing Order I name you, Mr. Dillon, as wilfully disregarding the authority of the Chair."

On the motion of Mr. Gladstone, Mr. Dillon was then suspended, and removed from the House by the Sergeant-at-Arms; whereupon Mr. A. M. Sullivan rose, and in a short speech questioned the authority of the Chair in ordering the forcible removal of Mr. Dillon without first seeking the sanction of the House for that course. Mr. Sullivan was listened to with attention, but the Speaker decided that Mr. Dillon, having been suspended by an order of the House, he (Mr. Speaker) was bound "to carry out that order." Mr. Sullivan's point having been thus disposed of, Mr. Gladstone was about to resume his speech on the subject of the New Rules, when Mr. Parnell rose and said, "I beg to move that the right hon. gentleman be no further heard—" Then a scene of indescribable excitement and confusion

occurred. The Speaker refused to hear Mr. Parnell, and Mr. Parnell "insisted" that his motion should be put, reminding the House that a similar motion made by the Prime Minister had been put on a former occasion; but the Speaker ruled that the Irish leader was guilty of "wilful and deliberate obstruction," and named him on the instant. Mr. Parnell was then suspended, and removed by the Sergeant-at-Arms, having refused to withdraw except under the pressure of force. During the division on the motion for Mr. Parnell's suspension (and subsequently on a motion for Mr. Finegan's suspension), the following Irish members refused to leave the House, and all were in consequence suspended, and removed by the Sergeant-at-Arms :—Barry, Biggar, Byrne, Corbet, Daly, Dawson, Gill, Gray, Healy, Lalor, Leamy, Leahy, Justin McCarthy, McCoan, Marum, Metge, Nelson, Arthur O'Connor, T. P. O'Connor, The O'Donoghue, The O'Gorman Mahon, O'Sullivan, O'Connor Power, John Redmond, Sexton, Smithwick, A. M. Sullivan, and T. D. Sullivan. Mr. Bernard Molloy was next suspended for "remaining present during the last division," and then Mr. Gladstone recommenced his speech. But Mr. O'Kelly rose at once and moved that the "Prime Minister be no longer heard;" whereupon he was immediately suspended. Mr. O'Donnell next moved that the Prime Minister should not be heard, and was also suspended, as were Mr. Richard Power and Mr. O'Shaughnessy, who declined to leave their seats during the division on the motion for Mr. O'Donnell's suspension; and so the scene terminated. Thus, after a three days' battle with the House "at close quarters," the Irish members were beaten, despite the decisive victory which they had gained on the second day of the fight owing to the skill and dash of Mr. A. M. Sullivan.

On the 4th of February, the motion for the second reading of the Coercion Bill was made, and carried, after a protracted debate, on the 9th, by a majority of

359 to 56. It was read a third time on the 25th of February by a majority of 303 to 46. It passed through the Lords with traditional celerity, and received the Royal assent on the 2nd of March.[2]

I may here state the effect of the measure which provoked so bitter a contest. It proved a tremendous failure. Suspected persons were arrested and placed in gaol, in several parts of the country. Mr. Parnell himself, and Mr. Dillon, and other Land League leaders were imprisoned; but the Land League movement went on, and the powers even of Ribbonism increased. While the Act was still in force, and while Mr. Forster was yet Chief Secretary, the infamous Assassination Society of the "Invincibles"[3] was founded, and Mr. Forster's own life was saved only by the fortunate concurrence of a series of accidents. At length, after twelve months' trial, Ministers dropped the measure as worthless; whereupon Mr. Forster flung up his post, and retired from the Government.[4]

[2] The Act was supplemented by an Arms Act, which received the Royal assent on the 21st of March.

[3] A society formed, as one of its members, Mr. James Carey, stated, "to make history" by killing all the English officials in Ireland.

[4] "Affairs in Ireland," says the "Annual Register" of 1882, "grew steadily worse, outrages continued with undiminished frequency, and the perpetrators habitually escaped detection. Mr. Forster's rule at Dublin was pronounced, even by ministerial supporters, to have been a failure, and his shutting up of the leaders of the Land League party to have been a fatal error, which placed under restraint the avowed chiefs of an open political movement, whilst it left at large the heads of those secret societies which aimed at nothing but anarchy, and the subversion of all social government. Papers like the *Daily Telegraph*, which during the autumn called for drastic measures, urged the Government to release Mr. John Dillon at once, whilst in nearly every quarter the failure of coercive measures was recognized, and the responsibility of the Chief Secretary, at whose instigation they were passed, was widely proclaimed, and his ready adoption of the conclusions and prejudices of the Irish Executive was loudly blamed."—"Annual Register," 1882, pp. 6, 7.

CHAPTER V.

THE LAND LAW BILL.

In the summer of 1880, Mr. Gladstone appointed a Royal Commission to inquire into the working of the Land Act of 1870, and to consider the advisability of adopting further measures for improving the relation of landlord and tenant in Ireland.

This Commission was composed of three landlords (Lord Bessborough, The O'Conor Don, Mr. Kavanagh), one judge (Baron Dowse), and a banker (Mr. Shaw). Seven hundred witnesses were examined, among whom were eighty landowners, seventy land-agents, and 500 tenant-farmers, together with clergymen of various religious denominations, and some barristers, solicitors, land-surveyors, and professional valuators. The Report of this Commission—signed by four of the five Commissioners[1]—demonstrated beyond a doubt the serious breakdown of the Land Act of 1870. Scarcely any of the objects which it had been passed to secure had been attained.

It had not operated as a check against unreasonable increase of rent; and it had afforded little or no protection to the tenant for his improvements. Indeed, in some cases, it would seem to have stimulated the practice of rent-raising. "Some landlords," says the Report, "who previously were content to take low rents, appear to have begun a system of rent-raising when the Land Act was passed, either because they

[1] Mr. Kavanagh was the dissentient.

judged that their former forbearance was not suitable to the new relations which legislation had established between themselves and their tenants, or because the profits of agriculture just then were high, or because the high price fetched by tenant right, under the stimulus of the satisfaction engendered by the passing of the Act, made them think that they had hitherto been mistaken in letting their lands so cheaply." This system of rent-raising had been so general that, according to the Report, "on some estates, and particularly on some recently acquired, rents have been increased, both before and since the Land Act, to an excessive degree, not only as compared with the value of the land, but so as to absorb the tenant's own improvements."

What was now to be done became in the minds of the Commissioners a matter of pressing importance, and the Report suggested that "a thorough, and very general change in the system of land tenure is imperatively required; such a change as shall bring home to the tenants a sense of security, shall guard them against undue increase of rent, shall render them no longer liable to the apprehension of arbitrary disturbance, and shall give them full security for their improvements." [2] To effect these objects the Report recommended legislation upon the lines of the "Three F's," viz. Fixity of Tenure, Fair Rents, and Free Sale.

In fact, the majority of the Commissioners practically advised that what the tenants really wanted ten years previously ought now to be granted, viz. that every tenant should be entitled to remain in possession of his holding as long as he paid a fair rent; that the rent should be fixed by some power independent of both landlord and tenant; and that in every case where a tenant leaves his holding he should have a

[2] See Report of Bessborough Commission. See also "New Views on Ireland," by Mr. Charles Russell, Q.C., M.P.

right to sell his interest or goodwill in it, to the best advantages.[3]

With this Report before him, and in presence of the disturbed and alarming condition of Ireland, Mr. Gladstone resolved to approach the question of Irish Land once more.

The Act of 1870 had failed because it was too moderate. It had left the landlords too much power. It had not deprived them of the "right" to fix their rents at discretion. It allowed them to evict at pleasure, subject to the payment of a fine for "arbitrary disturbance." It permitted them to "absorb the tenants' improvements," subject to the payment of damages for so doing. But neither the infliction of fines nor damages had deterred the landlords from carrying out wrongful evictions, and unrighteously confiscating the improvements of the tenants. Under these circumstances, it became necessary in the interests of justice and good government, to take more stringent measures for securing the latter in the occupation of their holdings, subject to the payment of fair rents, and for restricting the powers of the former within reasonable bounds. To this end, Mr. Gladstone introduced his second Land Bill on the 7th of April, 1881.

The vital principle of this important measure consisted in the establishment of an independent tribunal —a Land Court—to stand between the landlord and the tenant; to fix the rent which the latter should pay, and, subject to the payment of which, he was to be permitted practically to enjoy perpetuity of tenure. The "judicial rent" so fixed was to be a "fair rent;" but no rules were laid down to fetter the discretion of the Court in arriving at it. Thus were two of the Three F's—Fixity of Tenure and Fair Rents—secured; the third—"Free Sale"—was also guaranteed on improved conditions. Henceforth every tenant might sell his "goodwill" in his holding at the "best

[3] A portion of the above appeared originally as an article in *Land*.

price," subject to the consent of the landlord, or the decision of the Land Court.[4] Increased facilities were granted for the creation of a peasant proprietary, and compensation for improvements was amply secured. Such in brief was the Land Law Bill of 1881.

The Bill, having been read a first time, without opposition, on the 7th of April, the order for the second reading was taken on the 25th of April, and on the 19th of May the House divided, with the following result:—

Ayes	352
Noes	176[5]

The position assumed by the Irish Party upon this occasion was peculiar. They declined as a body to support the second reading of the Bill, though on what grounds is not apparent. It has been suggested that the Revolutionists in America disliked the measure, fearing that it would conciliate the Irish peasants, and so withdraw them from the Separatist movement; and that the Constitutionalists in the House of Commons were unwilling to provoke the hostility of their countrymen across the Atlantic by actively backing Ministers, though they would not endanger the interests of the tenants at home by openly opposing them.

Upon the other hand, it has been said that Mr. Parnell considered it wiser to adopt an attitude of watchful neutrality, so that the party should remain unpledged and be free to act, as the circumstances of the situation might suggest, at any moment. But, whatever were the motives which induced the National Party to withhold their support from the second reading, it became clear when the Bill entered Committee, that, they desired rather to improve its provisions than to check

[4] Free sale existed before, but the landlord, by raising the rent previous to a sale, might render the value of the tenant right useless. This, by the operation of the new measure, could no longer be done.

[5] Hansard, Third Series, vol. cclxi. p. 928.

its progress.[6] In this respect, Mr. Healy particularly distinguished himself, showing a complete mastery of the details of the measure, and causing the insertion of a valuable clause, which has been called, after his name,—the "Healy Clause." The history of this clause is as follows. On the 27th of July, Mr. Healy, with intent to make it clear that, in fixing the rent, the Court should not take the improvements of the tenant into account against him, proposed that, ". . . The judicial rent for any further statutory term shall not exceed the judicial rent for the next preceding statutory term, unless in respect of capital expended by the landlord on such holding since the commencement of such preceding term, or unless such holding has, independently of any improvements effected by the tenant thereon, increased in value since the commencement of the said preceding statutory term." Mr. Law, the Attorney-General for Ireland, considered this amendment unnecessary, as "it was absurd to suppose that under the Bill the tenant's improvements could be taken into account against him in fixing a fair rent." Mr. Gladstone took a similar view. "It is absolutely impossible," he said, "under the Bill to bring in the consideration of the tenant's improvements so that any portion of the rent might be charged upon him." Finally, Mr. Healy withdrew this amendment, substituting the following for it:—"That the judicial rent for any further statutory term shall not exceed the judicial rent for the preceding statutory term in

[6] The members of the National party who voted for the Bill were —Bellingham, Blake, R. P. Blennerhassett, Brooks, E. Collins, Col. Colthurst, Errington, Fay, Gabbett, Mitchell Henry, McCoan, P. Martin, Meldon, Moore, the O'Donoghue, O'Shaughnessy, O'Shea, O'Connor Power, Shaw, P. J. Smith, and Synan. It is a striking fact that out of 101 Irish members only seven ventured to vote against the second reading, and two out of the seven were University members. The seven Irish members who voted against the Bill were—Viscount Cole [Enniskillen], Col. Taylor [Co. Dublin], Trant Hamilton [Co. Dublin], Gibson [Dublin University], Plunket [Dublin University], Tottenham [Co. Leitrim], Sir John Ennis [Athlone].—Hansard, Third Series, vol. cclxi. p. 932.

respect of any improvements made by the tenant." In moving this amendment, he said he thought "the Prime Minister had met the matter fairly, and agreed with him that it was not possible to put a finger on any part of the Bill that would afford ground for the conclusion that a judicial rent could be leviable on the tenant's improvements; but, at the same time, it was to be remembered that so far the Courts had always acted on landlord traditions, and had interpreted the law on their side; and, therefore, he thought it very desirable that the intentions of the Government should be made clear." Mr. Gladstone replied that: "if there were occasions for providing against taking into account the tenant's improvements on the question of rent, it ought to be under a stronger proposal than the one just submitted, and one that must apply to all occasions on which rent was fixed." He suggested that if Mr. Healy would withdraw his amendment, Mr. Law "would be prepared to introduce words that would meet the case." Mr. Healy accepted the suggestion, whereupon Mr. Law proposed the following amendment, which was agreed to, and embodied in the Bill: —"No rent shall be made payable in any proceeding under this Act in respect of any improvements made by the tenant or his predecessor in title."

In the Lords, Lord Salisbury objected to this clause, and moved its omission, substituting for it the following proposal of his own, which was carried by a majority of 157 against 110:—"The rent of a holding shall not be reduced in any proceedings under this Act on account of any money or money's worth paid or given by the tenant or his predecessors in title on coming into the holding." When the Bill came back to the Commons, Mr. Law moved the rejection of this amendment, and the motion was carried by a majority of 256 against 147. Subsequently he proposed to add to the original clause the words following in italics, making the whole clause read thus: "No rent shall be made payable in any proceeding under this Act in respect

of any improvements made by the tenant or his predecessor in title, *and for which the tenant would be entitled to compensation under the provisions of 'The Landlord and Tenant (Ireland) Act, 1870,' as amended by this Act.*" The words so added were strongly objected to by Irish Liberals and Nationalists alike, as limiting the discretion of the Court, and narrowing the scope of the Act. To meet the difficulties of the case, Mr. Laing proposed to substitute the following words for those used by Mr. Law: "and for which the tenant or his predecessor in title shall not have been paid or compensated by the landlord or his predecessors;" and Mr. Charles Russell and Mr. W. Fowler suggested words of like effect. At length, the Government gave way, and accepted the following proposal, which was drafted by Mr. Charles Russell, and which was the outcome of a consultation between him and Mr. Law:—"No rent shall be made payable in any proceeding under this Act in respect of any improvements made by the tenant or his predecessor in title, and for which, in the opinion of the Court, the tenant, or his predecessor in title, shall not have been paid or compensated by the landlord or his predecessors in titles;" and in this shape the clause was embodied in the Bill.

Finally the clause took its place in the Act thus:—"No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the tenant or his predecessors in title, and for which, in the opinion of the Court, the tenant or his predecessors in title shall not have been paid or otherwise compensated by the landlord or his predecessors in title."[7]

In two other instances, the Nationalists showed their anxiety to guard the Bill:—

(1) On the occasion of Mr. Heneage's amendment

[7] 44 and 45 Vic. chapter 49, s. 8, s.s. 9.—Hansard, Third Series, vol. ccxiii. p. 1980, and vol. cclxiv. pp. 923, 938, 1475.

to exclude English-managed estates[8] from the operation of the Act, they voted solid with Ministers, and secured the rejection of the amendment, by a majority of 200 to 225.[9]

(2) On the occasion of Lord Edmund Fitzmaurice's amendment to limit the jurisdiction of the Land Court in the fixing of "fair rents" to tenancies under 100*l.* annual value, they voted with Ministers again, and again secured the rejection of an injurious proposal, this time by a majority of 241 to 205.[1] In the Lords, however, Mr. Heneage's amendment was reintroduced by Lord Salisbury, and agreed to; Lord Edmund Fitzmaurice's amendment was not revived.

It is of no practical advantage to trace the progress of the Bill through its farther stages in Parliament. Suffice it to say that the measure became law on the 22nd of August, 1881, without, save in the case of Mr. Heneage's amendment, having undergone any substantial alterations.[2]

Its effect has been stated by the late Mr. A. M. Sullivan in the following words:—"It abolished for ever," he says, "the landlordism that had been a curse to Ireland; namely, the landlordism of avarice, the landlordism of dominion, and the landlordism of caprice. The long-scourged tenantry of Ireland might now sing aloud with the freed bondsmen of Port Royal,—

> We last night slaves,
> To-day, the Lord's freemen.

"As I sat there and listened to the words of the Premier, I felt as if I had, after the cruel toils and privations of the desert, been at length vouchsafed a glimpse of the Promised Land. My mind went back to the struggles of past times. I thought of Sharman

[8] I.e. Estates on which the improvements were made by the landlords.

[9] Hansard, Third Series, vol. cclxii. p. 734. Without the Nationalist vote the Government would have been defeated.

[1] Hansard, Third Series, vol. cclxiii. p. 1956.

[2] 44 and 45 Vic. cap. 49.

Crawford and Frederick Lucas; of Moore, and MacMahon, and Maguire, friends of my early years, all gone down into the grave with hearts outworn or broken in the weary conflict—and of Gavan Duffy, happily alive to behold this triumph of a cause, the flag of which he so gallantly uplifted thirty years before. It was, in my judgment, a great and noble measure; a charter of freedom for the long-oppressed tenantry of Ireland." [3] There can be no doubt but this description of Mr. Gladstone's second Land Act is just and well deserved. The measure conceded a principle for which the Irish peasantry had practically struggled and fought during a period of nearly 120 years; viz. that some independent tribunal should be erected to stand between them and the landlords, to see justice done and industry rewarded; to protect the fruits of the tenant's labours; to save him from oppression, and to deprive the landlord of the terrible power of presenting to him the dire alternative of rack-rents or starvation. The manner in which these "rack-rents" have been levied, and enforced, has been described by Mr. Charles Russell, Q.C., M.P., thus:—

The following is, succinctly told, the history of these successive rises of rent [on the Lansdowne estate], by one who has good reason to know the story well:—

The late Mr. William Steuart Trench, the father of the present agent, Mr. Townsend Trench, succeeded to the management of the Lansdowne estate in Kerry in 1849-50. When he came to Kerry he found the tenantry in general in poverty, and their rents excessive. He recommended Lord Lansdowne to set on foot a large scheme of emigration, and let the lands anew to the tenantry at the Government valuation. This suggestion was acceded to by the then Lord Lansdowne, and the rent was then fixed at Griffith's valuation, with the addition of 3*s.* in the pound—that is, 15 per cent. added to cover half poor-rates, and, to use Mr. Trench's own words on the occasion, "the cost of collection of the rent and incidental expenses." The rent remained fixed as above for about three years, when some weeks before gale-day the bailiff went abroad among the

[3] A. M. Sullivan, "New Ireland," ninth edition, p. 457.

tenantry, warning them to take to the office more money for rent, as a rise was decided upon at headquarters. This order had, of course, to be complied with, and the general rise took place, varying in some cases from 4*s.* to 5*s.* in the pound. This occurred, I believe, in 1858, with a verbal promise to the tenantry that no further rise should be put on. Eight years more passed away, and there came an improvement in the general condition of the people, and with it came the bailiff's warning to the tenantry to take more money to the office, as there was another rise of rent, the rise this time varying from 4*s.* to 5*s.* in the pound. Things then went on in this way up to 1874, when the final and crushing blow was dealt to the unfortunate tenants, in the shape of a fourth rise of 5*s.* in the pound, and all this within the space of twenty-five years.

. . . . . .

"Now with this last unhappy rise of rent came the first of a succession of bad years, bad in every way for the farmer. In 1876 the people had to sell their cattle earlier than usual. In 1877 they had not many to spare for sale. In 1878 in many cases they had no cattle at all, and in 1879 many had to run away owing debt alike to the bank, the shopkeeper, and the landlord.

It is worth pondering on this story. See the easy fashion in which the rise of rent is accomplished. No independent valuation, no mutual negotiation. The mandate of the agent goes forth. Some may grumble, even grumble in a loud voice, but it is useless. . . . They are practically without alternative; they must submit.

. . . . . .

A fact to my mind positively shocking was told to me by a gentleman, in every way reliable, in reference to this last rise. On that occasion, when Mr. Trench had issued his commands to his bailiffs, and had condescended to notify the rise to some of the tenants, he said to my informant, "I have done two good days' work. I have put 10,000*l.* in Lord Lansdowne's pocket." In other words, he had additionally taxed the energies and the industry of Lord Lansdowne's Iveragh tenants to the tune of 500*l.* a year, which, capitalized at twenty years' purchase, amounted to 10,000*l.*! Once more, I ask, is it remarkable that in Ireland cultivation is backward, that poverty abounds, that discontent is widespread, that social progress is slow, that man so little responds to the efforts of Nature for his advantage, that, in conditions like these, thrift and industry do not flourish?

Well, the condition of things described by Mr. Russell has been put an end to by the Land Act of 1881. Rents can no longer be raised by the mere mandate of the agent. Bailiffs can no longer pass from peasant's cottage to peasant's cottage, ordering the unfortunate occupants to "bring more money to the office," because a "rise was decided on at head-quarters." No Mr. Trench shall in the future boast that he had "in two days" put 10,000*l.* into his master's pocket by levying, what it is impossible to describe as other than, a species of blackmail on the wretched tenantry who lay at his mercy. Rents can no longer be increased in this "easy fashion." No tenant in Ireland can be henceforth forced to pay any sum for his land which has not been declared just by an impartial tribunal, and fixed by "independent valuation," or "mutual negotiation."

The Land Act has now been in operation for four years, and has resulted in a substantial reduction of rents all round—a fact which strongly testifies to the justice of the tenants' cause. Between August, 1881, and August, 1882, there were 75,807 applications to the Land Commission Courts to fix fair rents in the four provinces of Ulster, Leinster, Munster, and Connaught, and these applications were disposed of thus:—

Provinces.	Number of Originating Notices to fix Fair Rents lodged.	Number of Rents fixed.	Number of applications dismissed, withdrawn, and struck out.	Total number of cases disposed of.	Number undisposed of.
Ulster . .	32,485	4,883	1,135	6,018	26,467
Leinster . .	7,892	2,285	681	2,966	4,926
Connaught. .	21,574	1,962	1,079	3,041	18,533
Munster . .	13,856	2,799	852	3,651	10,205
Total . .	75,807	11,929	3,747	15,676	60,131

In the 11,929 cases dealt with by the Courts, the

old rents, the "judicial" rents, and the Government valuations were as follows:—

Provinces.	Number of cases in which Judical Rents have been fixed.	Government Valuation.	Old Rent.	Judicial Rent.
		£ s. d.	£ s. d.	£ s. d.
Ulster .	4,883	81,518 12 7	101,088 12 9¼	78,254 16 9
Leinster .	2,285	55,585 19 11¾	80,872 0 4	66,291 18 2
Connaught	1,962	19,944 12 2	28,572 13 8½	22,644 14 2
Munster .	2,799	67,492 6 9	105,578 11 2½	83,967 0 5½
Total .	11,929	224,541 11 5¾	316,111 18 0	251,158 9 6½

Besides these cases, there were others in which "fair rents" were fixed by the County Courts. Thus:—

Provinces.	No. of cases.	Government Valuation.	Old Rent.	Judicial Rent.
		£ s. d.	£ s. d.	£ s. d.
Ulster . .	510	6,069 8 0	7,942 8 0½	6,134 3 4
Leinster . .	28	388 5 7	518 7 0	422 18 2
Connaught. .	805	6,301 18 9	9,022 17 6	7,021 1 4
Munster . .	112	3,469 17 0	5,190 3 0	4,098 9 0
Total . .	1,455	16,229 9 4	22,673 15 6½	17,676 11 10

Finally, there were other cases in which the rents were fixed by mutual agreement between landlord and tenant, the agreements being lodged either in the Land Courts or the County Courts; and in these cases there was a reduction all round of about 20 per cent. on the old rental.[5]

The following tables will show the results of the operation of the Act, between August, 1882, and August, 1883:—

[5] See First Report of the Irish Land Commissioners.

Table showing, according to Provinces, the number of originating notices to fix fair rents lodged with the Irish Land Commission, the number of such notices transferred from the Civil Bill Courts to the Irish Land Commission, the number of rents fixed by Sub-Commissions and valuers, and of cases dismissed, withdrawn, and struck out, during the year ending 21st August, 1883.

Province.	Number of Originating Notices to fix Fair Rents lodged.	Number transferred from Civil Bill Courts.	Total number of cases.	Number of Rents fixed by Sub-Commissions.	Number of Rents fixed by Valuers.	Total number of Rents fixed.	Number of applications dismissed, withdrawn, and struck out.	Total number of cases disposed of.
Ulster . . .	5,994	552	6,546	13,762	1	13,763	8,084	21,847
Leinster . . .	1,910	63	1,973	3,070	. ..	3,070	1,500	4,570
Connaught . .	2,325	1,261	3,586	7,822	17	7,839	3,784	11,623
Munster . . .	2,739	303	3,042	6,072	93	6,165	2,048	8,213
Total . . .	12,968	2,179	15,147	30,726	111	30,837	15,416	46,253

Table showing, according to Provinces, the number of originating notices to fix fair rents lodged with the Civil Bill Courts, the number of such notices transferred to the Irish Land Commission, the number of rents fixed, and of cases dismissed, withdrawn, and struck out, as notified to the Irish Land Commission, during the year ending 21st August, 1883.

Provinces.	Number of Originating Notices to fix Fair Rents lodged.	Number transferred to Irish Land Commission.	Number of Rents fixed.	Number of applications dismissed, withdrawn, and struck out.	Total number of cases disposed of.
Ulster . .	1,481	552	451	62	1,065
Leinster . .	504	63	109	15	187
Connaught .	3,547	1,261	942	353	2,556
Munster . .	927	303	184	50	537
Total . .	6,459	2,179	1,686	480	4,345

Table showing, according to Provinces, the number of cases in which judicial rents have been fixed by Sub-Commissions during the year ending 21st August, 1883; and also a summary of the acreage, tenement valuations, former rents, and judicial rents of the holdings.

Provinces.	Number of cases in which Judicial Rents have been fixed.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.
Ulster . .	13,762	346,896 0 5½	209,168 1 9	251,912 6 10½	199,530 11 7
Leinster .	3,070	118,020 1 21½	69,851 12 3	98,071 4 4½	81,119 9 1½
Connaught .	7,822	187,130 0 3½	64,245 5 3½	92,452 9 6½	73,583 18 2
Munster .	6,072	273,273 1 7½	115,082 16 11	181,333 18 5½	147,759 5 0½
Total .	30,726	925,319 2 38½	458,347 16 2½	623,769 19 2½	501,993 3 11

Table showing, according to Provinces, the number of cases in which judicial rents have been fixed by Civil Bill Courts, as notified by the Irish Land Commission, during the year ending 21st August, 1883, and also a summary of the acreage, tenement valuations, former rents, and judicial rents of the holdings.

Provinces.	Number of cases in which Judicial Rents have been fixed.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.
Ulster . .	451	9,642 0 32	5,713 15 5	7,115 17 11½	5,655 10 1
Leinster .	109	2,795 3 35	2,019 5 6	2,837 17 5	2,256 18 7
Connaught .	942	16,707 2 33	6,757 10 6	9,729 13 7	7,348 1 10
Munster .	184	7,096 1 8½	4,042 12 9	6,147 17 4	4,875 3 7½
Total .	1,686	36,242 0 28½	18,533 4 2	25,831 6 3½	20,135 14 1½

Table showing, according to Provinces, the number of cases in which agreements between landlords and tenants fixing fair rents were lodged with the Land Commission during the year ending 21st August, 1883, and also a summary of the acreage, tenement valuations, former rents, and judicial rents of the holdings.

Provinces.	Number of Agreements lodged.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.
Ulster . .	19,733	445,071 2 15½	256,226 13 8	295,684 18 10½	241,024 19 6½
Leinster .	4,579	153,744 3 30	93,296 13 4	124,146 15 8	103,213 19 4½
Connaught .	5,639	112,287 1 14⅝	43,068 1 3	59,236 9 2	47,953 17 4
Munster .	3,963	165,894 0 9⅝	72,445 18 10	107,246 4 10½	88,366 10 3½
Total .	33,914	876,997 3 30¾	465,037 7 1	586,314 8 7	483,559 6 6½

Table showing, according to Provinces, the number of cases in which agreements between landlords and tenants fixing fair rents were lodged with the Civil Bill Courts, as notified to the Irish Land Commission, during the year ending 21st August, 1883, and also a summary of the acreage, tenement valuations, former rents, and judicial rents of the holdings.

Provinces.	Number of Agreements lodged.	Acreage.	Tenement Valuation.	Former Rent.	Judicial Rent.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.
Ulster . .	622	10,510 3 13	7,194 14 2	8,451 6 1	7,200 17 6
Leinster . .	232	14,037 2 28½	9,027 9 0	11,752 4 0	9,943 3 4
Connaught .	1,177	15,713 1 17½	7,610 14 2	10,492 13 11½	8,491 11 10
Munster .	60	3,277 0 34	1,535 0 0	2,103 2 2	1,656 19 5
Total .	2,091	43,539 0 12½	25,367 17 4	32,799 6 2½	27,292 12 1

The following tables will show the results of the operation of the Act up to August, 1884:—

Table showing, according to Provinces, the number of originating notices to fix fair rents lodged with the Irish Land Commission, the number of such notices transferred from the Civil Bill Courts to the Irish Land Commission, the number of rents fixed by Sub-Commissions and valuers, and of cases dismissed, struck out, and withdrawn, during the year ended 21st August, 1884.

Provinces.	Number of Originating Notices to fix Fair Rents lodged.	Number transferred from Civil Bill Courts.	Total number of cases.	Number of Rents fixed by Sub-Commissions.	Number of Rents fixed by Valuers.	Total number of Rents fixed.	Number of applications dismissed, struck out, and withdrawn.	Total number of cases disposed of.
Ulster . . .	7,010	353	7,363	12,393	32	12,425	4,545	16,970
Leinster . . .	1,297	253	1,550	2,229	44	2,273	690	2,963
Connaught . .	2,616	746	3,262	8,426	75	8,501	4,086	12,587
Munster . . .	1,746	226	1,972	4,422	77	4,499	1,514	6,013
Total . . .	12,569	1,578	14,147	27,470	228	27,698	10,835	38,533

Table showing, according to Provinces, the number of cases in which judicial rents have been fixed by Sub-Commissions during the year ended 21st August, 1884, and also a summary of the acreage, tenement valuations, former rents, judicial rents of the holdings, and the reductions per cent. made in the former rents.

Provinces.	Number of cases in which Judicial Rents have been fixed.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.	Percentage of reduction.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.	
Ulster .	12,393	295,139 0 39½	147,932 15 6½	177,616 14 3	141,425 10 6	20·3
Leinster .	2,229	85,577 3 11	49,415 11 8	68,394 3 4½	56,578 3 10½	17·2
Connaught	8,426	194,203 1 34½	94,666 8 3½	90,767 6 0	73,123 16 4½	19·4
Munster .	4,422	224,555 2 10½	86,260 10 4	130,805 3 1	108,885 14 2	16·7
Total .	27,470	799,476 0 15	348,275 5 10	467,583 6 8½	380,013 4 11	18·7

Table showing, according to Provinces, the number of cases in which judicial rents have been fixed by the Irish Land Commission upon the reports of valuers appointed upon the applications of landlords and tenants, during the year ended 21st August, 1884, and also a summary of the acreage, tenement valuations, former rents, judicial rents of the holdings, and the reduction or increase per cent. made in the former rents.

Provinces.	Number of cases in which Judicial Rents have been fixed.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.	Decrease or increase per cent.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.	Decrease.
Ulster .	32	1,028 2 17	303 12 0	357 17 4	297 2 0	16·9
Leinster .	44	1,906 0 3	1,198 5 0	1,482 4 4	1,328 5 0	10·3
Connaught	75	1,770 0 10	783 7 6	1,002 6 2	889 13 8	11·2
Munster .	77	3,788 1 26	1,920 2 0	2,792 0 4	2,592 16 4	7·1
Total .	228	8,493 0 16	4,205 6 6	5,634 8 2	5,107 17 0	9·2

Table showing, according to Provinces, the number of originating notices to fix fair rents lodged with the Civil Bill Courts, the number of such notices transferred to the Irish Land Commission, the number of rents fixed, and of cases dismissed, struck out, and withdrawn, as notified to the Irish Land Commission, during the year ended 21st August, 1884.

Provinces.	Number of Originating Notices to fix Fair Rents lodged.	Number transferred to Irish Land Commission.	Number of Rents fixed.	Number of applications dismissed, struck out, and withdrawn.	Total number of cases disposed of.
Ulster . .	682	353	422	52	827
Leinster . .	610	253	355	41	649
Connaught. .	1,814	746	2,035	581	3,362
Munster . .	451	226	434	84	744
Total . .	3,557	1,578	3,246	758	5,582

Table showing, according to Provinces, the number of cases in which judicial rents have been fixed by Civil Bill Courts, as notified to the Irish Land Commission, during the year ended 21st August, 1884, and also a summary of the acreage, tenement valuations, former rents, judicial rents of the holdings, and the percentage of reduction made in the former rents.

Provinces.	Number of cases in which Judicial Rents have been fixed.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.	Percentage of reduction.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.	
Ulster .	422	8,512 0 1	4,797 19 5	6,289 14 0½	4,893 8 7	22·1
Leinster .	355	9,721 3 34	5,958 2 0	8,069 4 8	6,550 14 4	18·8
Connaught.	2,035	42,953 0 12¼	13,577 5 1	19,642 16 3	15,239 4 9	22·4
Munster .	434	18,849 2 37	9,271 16 11	13,614 16 3	11,354 4 7	16·5
Total .	3,246	80,036 3 4½	33,605 3 5	47,616 11 2½	38,037 12 3	20·1

Table showing, according to Provinces, the number of cases in which agreements between landlords and tenants fixing fair rents were lodged with the Land Commission during the year ended the 21st day of August, 1884, and also a summary of the acreage, tenement valuations, former rents, judicial rents of the holdings, and the percentage of reduction made in the former rents.

Provinces.	Number of Agreements lodged.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent.	Percentage of reduction.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.	
Ulster .	12,346	286,588 3 13½	159,402 17 9	179,280 11 2½	151,436 18 2½	15·5
Leinster .	2,361	78,838 0 1	45,979 11 7	61,441 2 6½	52,696 19 1½	14·2
Connaught	5,115	95,415 2 26½	41,331 15 11	54,150 8 1	44.942 1 8	17·0
Munster .	2,329	97,739 2 1½	44,588 1 7	65,091 4 7	54,785 1 0½	15·8
Total .	23,151	555,582 0 2	291,302 6 10	359,963 6 5	303,861 0 0½	15·3

Table showing, according to Provinces, the number of cases in which agreements between landlords and tenants fixing fair rents were lodged with the Civil Bill Courts, as notified to the Irish Land Commission, during the year ended 21st August, 1884, and also a summary of the acreage, tenement valuations, former rents, judicial rents of the holdings, and the percentage of reduction made in the former rents.

Provinces.	Number of agreements lodged.	Acreage. Statute Acres.	Tenement Valuation	Former Rent.	Judicial Rent.	Percentage of reduction.
		A. R. P.	£ s. d.	£ s. d.	£ s. d.	
Ulster. .	410	6,284 3 39	5,011 12 6	5,245 14 1	4,683 12 3	10·7
Leinster .	169	12,026 3 5	6,312 4 6	7,859 2 6	7,037 16 5	10·4
Connaught.	336	3,065 0 19	1,833 15 2	2,703 16 9	2,237 5 7	17·2
Munster .	28	1,455 3 35	886 16 0	1,259 19 11	996 11 4	20·8
Total .	943	22,832 3 18	14,044 8 2	17,068 13 3	14,955 5 7	12·3

Table showing, according to Provinces and Counties, the number of cases in which rents have been fixed by arbitration and the awards recorded in the Court of the Irish Land Commission during the year ended 21st August, 1884, with the acreage, tenement valuations, former rents, judicial rents of the holdings, and the percentage of reduction made in the former rents.

Province and County.	Number of cases.	Acreage. Statute Acres.	Tenement Valuation.	Former Rent.	Judicial Rent fixed by award.	Percentage of reduction.
ULSTER:						
		A. R. P.	£ s. d.	£ s. d.	£ s. d.	
Antrim . .	1	29 2 39	26 15 0	35 17 6	26 10 0	26·1
Armagh . .	1	91 1 37	Unknown.	139 15 11	102 10 0	26·6
LEINSTER:						
Meath . .	1	158 0 20	180 0 0	228 15 8½	137 3 8	40·0
Total . .	3	279 1 16	206 15 0	404 9 1½	266 3 8	34·0

Altogether, during the three years ending 21st August, 1884, fair rents were fixed by the Land Courts in 70,127 cases, the rental having been reduced, in round numbers, from 1,407,465*l.* to 1,133,174*l.*, or 19·4 per cent. Within the same period fair rents were fixed by the County Courts in 6,387 cases, the rental having been reduced from 96,121*l.* to 75,849*l.*, or 21 per cent. Besides these, there were 66,815 cases in which the rents were fixed by agreement between landlord and tenant, under the authority of the Land Courts, the rental having been reduced from 1,139,453*l.* to 994,451*l.*, or 17·1 per cent.; 5,759 cases in which rents were fixed in the same way, under the authority of the County Courts, the rental having been reduced from 97,316*l.* to 80,317, or 17·4 per cent.; 339 cases in which rents were fixed by valuers under the authority of the Land Courts, the rental having been reduced from 9,033*l.* to 8,091*l.*, or 10·4 per cent.; and 12 cases in which rents were fixed by arbitration, the rental having been reduced from 908*l.* to 660*l.*, or 27·2 per cent.[6]

So much for the working of the Tenure Clauses of the Land Act. The Purchase Clauses have not

[6] Table showing, according to Provinces, the results of applications for the re-hearing of cases heard by Sub-Commissions, during the three years ended 21st August, 1884, with the former rents, rents as fixed by Sub-Commissions, and rents as fixed after re-hearing.

Provinces.	Former Rents.	Rents fixed by Sub-Commissions.	Rents fixed after re-hearing.	Percentage.
	£ s. d.	£ s. d.	£ s. d.	Increase.
Ulster . . .	40,359 1 6	30,842 8 7	31,518 19 11	2·1
Leinster . . .	25,348 5 1	21,035 6 3	21,861 0 4	3·9
Connaught . .	5,676 3 0	4,543 11 3	4,696 5 0	3·3
Munster . . .	28,635 16 5	22,713 0 5½	23,206 12 3½	2·1
Total . . .	100,019 6 0	79,134 6 6½	81,282 17 6½	2·7

(See Report of Irish Land Commission, 1882, 1883, 1884.)

been equally successful in their operation ; whether from defects in the clauses themselves, or from an indisposition on the part of the peasants to become proprietors I am unable precisely to say. Most probably both causes have conspired to render the clauses in question practically inoperative to a considerable extent.

However, in the main, the Land Act has been, so far, a success. It has reduced the rental of the whole country by about 20 per cent. It has given fixity of tenure to the occupiers of the soil. It has secured to them the fruits of their industry, and made them independent of the tyrannical mandates of the agent, and the arbitrary exercise of landlord authority.

CONCLUSION.

MAURICE O'CONNELL—the most gifted of the Liberator's sons—once said, that the great mistake in the English government of Ireland was, that the things which the Irish people wanted they were refused; the things which they did not want were forced upon them. The history of Ireland for the past three hundred years, proves the justice of this remark. A Church, a Land System, an Educational System—all repugnant to the feelings of the people—were forced upon them; while the liberty of conscience, the freedom of opinion, the popular institutions they demanded, were refused. In the result, British authority in the island was detested, and no opportunity was lost to cause its overthrow.

I think it is not unfair to draw a veil over the transactions of the English in Ireland prior to the Treaty of Limerick. Englishmen may say, that up to that time the conquest of the island was not complete, and no sufficient opportunities were afforded for the introduction of the arts of peace, and the blessings of civilized government. So be it. But, narrowing the scope of inquiry to the past one hundred and eighty-four years, how stands the case?

After the surrender of Limerick, the conquest of Ireland was complete. With the departure of Sarsfield and the "Irish Brigade" for France, the military power of the nation was broken, and the authority of the conquerors was supreme. How was that authority exercised? What were the arts of peace, what the

blessings of civilized government introduced by the victors between 1691, and 1778, when the era of concession may be said to have begun? The answer to this question will be found in the history of the Penal Laws. To make the native race poor and ignorant, barbarous and debased—these were the notions of civilized government entertained by the English in Ireland in the eighteenth century.

In 1778, the era of concession opened, but its history is almost as melancholy as that of the evil days which preceded it. If a policy of justice had then been adopted, and firmly carried out, the Irish people would, in all probability, have been won over to the English connection, despite the violation of the Treaty of Limerick, and the Penal Laws. But no such policy was adopted. There were concessions to violence, but none to justice; surrenders to treason, but not to right; boons to "rebels," but scorn for the constitutional agitator who, in moderate language, pleaded the cause of his oppressed fellow-countrymen. There was no admission of wrongdoing, no desire to make reparation, no acknowledgment of faults, no determination of amendment. Nothing was done to satisfy the claims of justice, but everything to avert trouble and disaster. There was hand-to-mouth legislation, but no true policy of redress; no statesmanship.

The concession of 1778—by which Catholics were allowed to hold land on lease for 999 years—was, as were so many subsequent concessions, yielded under the influence of fear. It was not until the native population had been armed by the English Colonists to fight the mother country for free trade and Legislative independence; not until the American Colonies were in revolt; not until the news reached England of the crushing defeat of British arms at Saratoga, that the first important measure relaxing the stringency of the Penal Code became law.

The next concession to the native race—the admission of the Catholics to the franchise in 1793—was

granted in similar circumstances.[1] When the rebel Tone, and the extreme constitutional agitator Keogh, had organized the country; when Ulster had become a treasonable centre; when the news reached England that the Duke of Brunswick had been routed at Valmy, and that the Revolutionists of France were overrunning the Continent of Europe—then, but not till then, were the Catholics enfranchised.[2]

The history of Catholic Emancipation is a familiar topic. It is well known that that great measure was granted as the alternative of civil war. "In the course of the last six months," wrote Sir Robert Peel to the Bishop of Limerick on the 8th of February, 1829, "England, being at peace with the whole world, has had five-sixths of the infantry force of the United Kingdom occupied in maintaining the peace, and in police duties in Ireland. I consider the state of things which requires such an application of military force much worse than open rebellion. . . . If this be the state of things at present, let me implore you to consider what would be the condition of England in the event of war. Would an English Parliament tolerate for one moment a state of things in Ireland which would compel the appropriation of half her military force to protect, or rather to control that exposed part of the Empire. Can we forget, in reviewing the history of Ireland, what happened in 1782, what happened in 1793? It is easy to blame the concessions that were then made; but they were not made without an intimate conviction of their absolute necessity to prevent greater dangers."[3] "I believe," wrote the Marquess of Anglesea, then Lord-Lieutenant of Ireland, to Lord F. Leveson Gower on the 2nd of July, 1828—"I believe [O'Connell's] success inevitable—nothing under

[1] I omit the concession of Legislative independence in 1782, for it was a concession to the English colonists only. *Ante*, vol. ii. p. 86.

[2] *Ante*, vol. i. Book II.

[3] Sir R. Peel's "Memoirs," pp. 361, 362.

Heaven can arrest [his] progress. There may be rebellion; you may put to death thousands, you may suppress it, but it will only be to put off the day of compromise; and, in the meantime, the country is still more impoverished, and the minds of the people are, if possible, still more alienated, and ruinous expenses are entailed upon the Empire."[4] It was in these circumstances that the demands of O'Connell were conceded in 1829.

With a better grace, and a truer sense of the claims of justice the National Schools were founded in 1831. But this well-meant and well-devised concession was an instance of the mistaken policy of forcing upon the Irish people the things which they did not want. They desired denominational education, and Lord Stanley gave them a mixed system. After a bitter struggle, extending over many years, that system was finally overthrown, and the National Schools were converted into denominational institutions by the energy of the Irish people themselves. Nevertheless, Lord Stanley is, I think, entitled, in this matter, to the credit of having honestly devised the best compromise scheme which was possible, considering the state of English public opinion at the time. The fact that that scheme was afterwards dishonestly worked, was no fault of his.[5]

The Irish Reform Act of 1832, may be mentioned as an example of the error of attending rather to the opinions of English Ministers, than of Irish popular leaders, in the settlement of Irish questions. O'Connell condemned that Act as inadequate, and foretold that it would give a grossly insufficient representation to Ireland. But Lord Stanley thought differently, and the House of Commons adopted the views of the Minister, and rejected the amendments moved by the Irish leader to make the measure effective. The sequel justified the forebodings of the great agitator.

[4] Sir R. Peel's "Memoirs," p. 147.

[5] *Ante*, vol. i. p. 126, *et seq.*

The Act conferred upon Ireland, to repeat the words of Sir Erskine May, "a restricted franchise, and the number of electors registered proved much less than had been anticipated."[6]

In 1835, a bright era dawned upon Ireland. A policy of justice, really worthy of the name, was inaugurated by Lord Melbourne. Thomas Drummond was sent to Dublin Castle—an act which was in itself perhaps the greatest concession ever made by England to Ireland. In the one country, a Ministry bent on doing justice for justice's sake introduced measures for the redress of Irish grievances, and in the other the extraordinary spectacle of a ruler governing by force of the public opinion of the nation was witnessed. The olive branch of peace and good-will was held out by O'Connell, and cordially grasped by the English Minister. The Treaty of Limerick was at length observed. The rights and privileges of the native race were at last recognized. Nevertheless, how melancholy is the whole story of the Melbourne Administration—a story of honest effort thwarted by bigotry, ignorance, and hate; of true statesmanship defeated by quackery; of justice foiled by class arrogance and sectarian ill-will; of a noble life destroyed in a generous struggle to repair the wrongs of centuries. Resisted by the House of Lords, and opposed by English public opinion, Lord Melbourne was compelled to accept a miserable compromise in settlement of the Tithe Question, and to content himself with a measure of Municipal Reform which, Sir Erskine May has said, "actually amounted to a scheme of municipal disfranchisement."

Thomas Drummond manfully strove in Ireland to wrest the country out of the hands of the Ascendency faction, who, for a hundred and forty years, had preyed on its vitals. Bravely he bore up against all opposition. Firmly he did justice and feared not. But he sank beneath the burden he had undertaken.

[6] *Ante*, vol. i. pp. 356, 363.

He died in a gallant effort to remove the obstacles which retarded the prosperity of Ireland, and prevented her real union with the Empire.[7] With his death the difficulties of the Irish situation increased; the popular dislike to England grew more intense. A violent constitutional agitation, followed by an insurrectionary movement, ensued, and the seeds of rebellion sown by the Young Irelanders in 1842-48 have survived to our own time. Let those who denounce the Parliamentary party led by Mr. Parnell as a rebellious combination, bear in mind that that party is a power in Ireland to-day, because the moderate constitutional efforts of 1835-41 were a failure—because Thomas Drummond was hounded to death by landlords, Orangemen, and Tories. For, had the policy of Lord Melbourne been successfully carried out, there would, in all probability, have been no Young Irelanders, and had there been no Young Irelanders there would, almost to a certainty, have been no Fenians. Had there been no Fenians Mr. Parnell would be powerless and helpless.

Lord Melbourne was succeeded by Sir Robert Peel and there can be no doubt that the views of the great Conservative statesman respecting the administration of Irish affairs underwent an important change during his tenure of office, in 1841-46. While Lord Melbourne was in power he was a staunch supporter of the Ascendency. But, in 1843, he said to Mr. Croker that Ireland could no longer be governed on Ascendency principles;[8] and, in appointing the Devon Commission and founding the Queen's Colleges he gave some proof of the sincerity of his conversion. The latter concession, however, was, like the National Schools, an instance of the error of forcing on the Irish people the things they did not want. The Queen's Colleges were excellent institutions for those who approved of the mixed system, but they were unsuitable for a nation who favoured denominational education. And, as in the case of the National

Schools, so in the case of these establishments, the policy of the Government proved a failure, owing to the popular opposition.[9]

As the views of Sir Robert Peel respecting the government of Ireland underwent a change during his tenure of office, so changed the Irish policy of Lord John Russell on his assumption of power in 1846. The Melbourne Ministry had burned its fingers over the Irish Question, and Lord John Russell was resolved that the operation should not be repeated in his case. Between 1835 and 1841, the Whigs had, under the combined influence of O'Connell and Drummond, striven to do justice to Ireland, but between 1846 and 1868 they abandoned the attempt.

Within that period two worthless measures—the Encumbered Estates Act and the Land Act of 1860—and one beneficial measure—the Reform Act of 1850—stand to their account; while the credit of having introduced the best measure of Land Reform brought before Parliament prior to 1870 is due to a Tory Minister. It would be unfair not to add that that measure was wrecked by the party to which the Minister belonged.[1] Another beneficial measure, marred, however, by an invidious and an unjust distinction which implied that Irish householders were unworthy to possess the franchise conferred on their English fellow-citizens, was passed by a Tory Administration, viz. the Reform Act of 1868.[2]

Though Ireland owes little to English parties between the years 1841 and 1868, she owes much to one great Englishman—Mr. Bright. Lord John Russell had shrunk from persevering in the policy of well-doing inaugurated by Lord Melbourne, because he thought the result would be to keep his party out of office. But Mr. Bright, like Drummond, was just, and he feared not. Three years after Drummond's death he took up the Irish Question, and, during twenty-five

[9] *Ante*, vol. ii. Book XI.

[1] *Ante*, vol. ii. p. 278, *et seq.*

[2] *Ante*, vol. ii. Book VII.

years longer, he stood alone among English statesmen in his advocacy of the cause for which Drummond had fought so gallantly. But he spoke to the winds. It is little to the credit of Lord John Russell and the Whig Party, that Mr. Bright should have stood alone during those years among English politicians, in his advocacy of the cause of the Irish people. It is little to the credit of English statesmanship, and of English justice, that, he should have so long pleaded that cause in vain.

At length, thirty years after the fall of the Melbourne Administration, and while English public opinion was yet startled by the operations of the Fenian conspiracy, Mr. Gladstone grappled with the Irish problem, and went nearer to solving it than any statesman who had preceded him. It must be said that Mr. Gladstone dealt with the Irish Question the moment he found English public opinion ready for action. But it is to be regretted that the English people did not respond to the constitutional appeals of Mr. Bright, rather than to the treasonable efforts of the Fenian organization.

Concessions to Mr. Bright—concessions to the moderate Irish agitators, who between 1850 and 1868 pressed the demands of their fellow-countrymen for the redress of grievances—would have been gracious; would have been a proof that the English people were open to reasonable argument and loyal demonstrations. But concessions, under Fenian pressure, were deprived of all graceful attributes, and their efficacy, as measures of conciliation and justice, were seriously impaired.[3]

On his return to power in 1880, Mr. Gladstone resumed the work of redressing Irish wrongs, which he had commenced in 1869, and in 1881 carried through Parliament—though not without the assistance once more of a party of rebellion—an Act which has converted the peasantry of Ireland from serfs into free men.[4]

So much for the past. Now as to the future.

[3] *Ante*, vol. ii. Books VIII. and IX. [4] *Ante*, vol. ii. Book XII.

It would be idle to deny that the Irish people are not yet contented; not yet reconciled to the English connection. Why? Because sufficient measures have not yet been taken to obliterate the memory of conquest from their minds. Why are not the Scotch disloyal, like the Irish? Englishmen often ask. The question is easily answered. Because, for 110 years, at all events, the Scotch, unlike the Irish, have not had in their midst an alien Church, an anti-national landocracy, and a "foreign" Executive—all owing their existence and supremacy to the power of England, and all maintained against the popular wishes—to remind them that they were a conquered race. Scotland has had no "Edinburgh Castle" to perpetuate the memory of Culloden, as Ireland has had a "Dublin Castle" to perpetuate the memory of the Boyne. Since the time of George III., at least, Scotland has been governed in accordance with Scotch public opinion. How has Ireland been governed during the same period? By English officials, who, in the main, despised the public opinion of the country. There has been no Ascendency maintained by English authority in Scotland to fan the flames of sectarian and national hate; there has been no Coercion Code upheld in defiance of the popular will, and in lieu of the measures of redress demanded by the nation. I have already given a list of the Coercion Acts which were in force between 1800 and 1835.[5]

Here is a list of those in force between 1835 and 1885—

1835 1836 1837 1838 1839 1840 1841 1842	During those years there was no coercion, but the Lord-Lieutenant had power to issue Special Commissions to try offenders.

[5] *Ante*, vol. ii. p. 112.

1843 }
1844 } Arms Act.
1845 }
1846
1847—Crime and Outrage Act.
1848 } Habeas Corpus Suspension Act, Crime and Outrage
1849 } Act, Removal of Aliens Act.
1850 }
1851 }
1852 }
1853 } Crime and Outrage (Continuance) Act.
1854 }
1855 }
1856 } Peace Preservation Act.
1857 }
1858 }
1859 }
1860 } Peace Preservation (Continuance) Act.
1861 }
1862 }
1863 }
1864
1865—Peace Preservation (Continuance) Act.
1866 }
1867 }
1868 } Habeas Corpus Suspension Act.
(part) 1869 }
1870 } Peace Preservation Act.
1871 }
1872
1873 }
1874 }
1875 }
1876 } Peace Preservation Act, Protection of Life and Pro-
1877 } perty Act.
1878 }
1879 }
1880 }
1881 } Mr. Forster's Coercion Act.
1882 }
1883 }
1884 } The Crimes Act.
1885 }

The Statute-Book of Scotland contains no such record as this.

But let bygones be bygones. Let the history of the

past serve only to guide and stimulate the exertions of the future. Let Irishmen and Englishmen at last meet on a common platform to adjust, once for all the relations of the two countries.

Every one admits that the present system of government in Ireland must be changed. The only question is, what shall be put in its place. Assuredly, the problem thus presented for solution is not "above the stature" of the great statesman who has already striven so honestly and successfully to do justice to the Irish people. I shall not venture to discuss the question of Self-Government in Ireland. The question is one for statesmen, not for a mere chronicler of facts. But at least in this, the gravest crisis in Irish history—and it may be in the last juncture of affairs when a settlement of the Irish difficulty on a basis that shall conduce permanently to the maintenance of the connection between the two islands will be possible—let there be toleration, liberality, and reciprocal confidence.

Let Irishmen and Englishmen meet, not as enemies to guard against each other's wiles, but as friends to remove the obstacles which prevent their union.

Let the Irish leaders fully and honestly state before the world the terms on which their countrymen are prepared to accept a "final settlement," and let English statesmen approach the discussion of those terms in an unprejudiced and trustful spirit.

Let them remember that the government of Ireland, according to English ideas, has broken down; that almost every English institution planted in the country has been a failure; and that the experience of a century has proved the justice of Irish demands, and the groundlessness of English apprehensions. Above all, let them bear in mind that the masses of the Irish people are disposed to be loyal to the English connection; that they appreciate its value, and desire its preservation. But it should not be forgotten that the day is gone by when—though willing to maintain the integrity of the Empire—they can ever be induced to

relinquish their demand for the establishment of a system of Home Government, under which the management and control of Irish affairs shall be placed in the hands of men representing the public opinion, and possessing the confidence of the country.

NOTE.

A SKETCH OF THE POLITICAL CAREER OF THOMAS DRUMMOND.

THOMAS DRUMMOND was born in Edinburgh on the 10th October, 1797. Originally he was intended for the army, and, through the instrumentality of Lord Mulgrave, obtained a cadetship at Woolwich in 1813. In 1815 he entered the Royal Engineers. Endowed with much inventive genius, and evincing a great aptitude for scientific studies,[1] he quickly attained the rank of lieutenant in that corps, and was generally regarded as a very promising young officer. However, Drummond gradually glided into politics. In 1831 he was appointed, on the suggestion of Lord Brougham, head of the Boundary Commission in connection with the Reform Bill, a position, the duties of which he fulfilled with distinction. In 1833 he became private secretary to Lord Althorp, then Chancellor of the Exchequer, and finally, on the accession of the Melbourne Ministry to power in 1835, he was sent to Ireland as Under-Secretary to the Lord-Lieutenant. The appointment gave much satisfaction. Lord Morpeth was congratulated by the leading organs of English public opinion on having so able an assistant. "He could not possibly," said the *Examiner*, "have an abler or more respectable coadjutor, nor could the new *régime* have a more efficient supporter, or one more imbued with

[1] Drummond invented the lime-light, otherwise known as the "Drummond Light," and the heliostat, an instrument for throwing rays of light in a given direction, and thereby facilitating trigonometrical surveys in murky weather.—Webb's "Compendium of Irish Biography," a valuable work.

its spirit."[2] The *Sun* wrote, "The situation of Under-Secretary in Ireland is no sinecure. It requires incessant vigilance, an unflinching spirit of determination, combined with a temperate and conciliatory nature; and these are qualifications which Lieutenant Drummond is well known to possess. He is not the man to fall asleep over his duties. We look on his present appointment as a great boon to Ireland, as another convincing proof that ministers are fully in earnest in their endeavours to ameliorate the condition of that distracted country. Lieutenant Drummond's arrival in Ireland will, of course, create a sensation among the Tory hacks of the Castle, some of whom are still to be seen, with unoccupied looks and tottering frames, crawling about the scenes of their departed glory."[3]

Drummond knew Ireland very well. He had been engaged on the ordnance survey in the country between 1824 and 1830, and then acquired a thorough knowledge of Irish wants and of the Irish character. "Nearly the whole of 1827, 1828, and 1829 he spent in Ireland, passing the summer months in the country, and the winter months in Dublin. In town and country he must have been a frequent and interested listener to discussions on Irish politics. No one could be in Ireland in those years, when the whole land was profoundly agitated by the final struggles of the Catholics for liberty, without going back on the history of their long enslavement and gradual emancipation."[4] . . . "Lying on the mountain side, at night, in some savage wild of Antrim or Tyrone, with the stars over his head, and no vestiges of civilization in the neighbourhood, he would 'draw out' the Irish peasants who came to the Engineers' Station from motives of curiosity, or the hope of chance employment. No Cockney impudence, no sneer of superiority, was ever

[2] The *Examiner*, as quoted by Mr. McLennan, in his interesting memoir of Drummond, p. 184.

[3] The *Sun*, as quoted by Mr. McLennan, p. 184.

[4] McLennan, "Memoir of Drummond," p. 247.

visible in Drummond, as he listened to the vague and melancholy narration of some tale of suffering, in which, perhaps, the faults of the complaining narrator were as manifest as those of the local tyrant whom he cursed. . . . Drummond liked to see all [things] with his own eyes. . . . He saw—he studied, and, with his genial sympathy, he *felt* the Irish character and nature. . . . His understanding was singularly clear, and his knowledge of the various subjects to which he had applied it was not merely copious in extent, but precise even in minute details. There was in his mental conformation a decided tendency to the inventive and original, which showed him to be no common man, and preserved him from being merely an individual of acquisitions and nothing more. Having acquired a practical knowledge of the arts by which men are governed in these kingdoms, he went to Ireland in the full possession of physical and mental vigour, and with a mind filled with zeal to perform service in that country. He believed that Government might effect wonders in Ireland, and he entered upon his duties with a head teeming with projects of reform, and a heart overflowing with affection for the Irish people."[5]

Arrived in Ireland, Drummond found himself surrounded with difficulties. In the North he was confronted by Orangeism, in the South by Ribbonism, Agrarianism, and the notorious Factions, whilst everywhere discontent and disorder prevailed.

Professor Boyton, a Protestant gentleman, who had been commissioned to report upon the condition of Ireland in 1834, described what was then the condition of the country thus:—"It would be difficult to give an idea of the state of Ireland, in which there is a total absence of anything like order or security."[6] The Marquis of Wellesley, on the 15th of April, 1834,

[5] Madden, "Ireland and its Rulers," p. 3, c. 11.

[6] Professor Boyton, as quoted by the Marquis of Normanby. Hansard, March, 1839, p. 992.

wrote to Lord Melbourne:—"A complete system of legislation, with the most prompt, vigorous, and severe executive power—sworn, equipped, and armed for all purposes of savage punishment—is established in almost every district. On this subject I cannot express my opinions more clearly, nor with more force nor justice than your lordship will find in a letter addressed by Lord Oxmantown, Lord-Lieutenant of the King's County, to Lord Littleton. Lord Oxmantown truly observes that the combination established surpasses the law in vigour, promptitude, and efficacy, and that it is more safe to violate the law than to obey it."[7]

Such was the condition of things which awaited the new Under-Secretary.

Drummond first directed his attention to the suppression of Northern disorders. They were the most formidable at the time; not but the disorders of the South were also very serious. "In 1835-36," says McLennan, "the proportions assumed by Orangeism became exceedingly alarming. It numbered no less than 1,500 lodges (with secret oaths and passwords) affiliated with one another under the direction of a Grand Lodge, whose head was the Duke of Cumberland. A Commission of Inquiry brought out the fact that there were Orange Lodges even in the army. . . . In 1836 there were 200,000 armed Orangemen in Ireland. . . . They were accustomed to meet in armies of 10,000, 20,000, and even 30,000 at a time. . . ."[8] These Orangemen were suspected even of treasonable intentions. It was said that they were engaged in a plot, known as the Fairman plot (from the chief agent in it being a Colonel Fairman), to alter the succession to the throne. Immediate steps were taken for the suppression of this Orange organization. In accordance with a resolution passed by the House of

[7] Papers relating to the State of Ireland, ordered by the House of Commons to be printed, 7th July, 1834, p. 5.

[8] "Memoir of Drummond," p. 258.

Commons, an address was presented to the King, urging its dissolution. Orangeism, as a system of affiliated lodges, under the direction of one Grand Central Lodge, was accordingly dissolved, but it still continued to flourish as a system of unaffiliated lodges. Orange processions and armed demonstrations continued. The nature and object of Orangeism remained the same. It was still "the phalanx of the Ascendency Party, ready at any moment to assert their domination by force of arms."[9] The difficulties of dealing with Orangeism continued very great, despite the action of the House of Commons. The territorial magistrates gave the Under-Secretary very little assistance either in the suppression of Orangeism or of any other disorders. They were apathetic, and partial, unwilling, and incapable.

One of the most pernicious effects of the coercion system in Ireland has been the utter paralysis of official life produced by it. Coercion is to the Irish Executive as the breath of their nostrils. It is really very difficult to blame the unfortunate officials in Dublin Castle, and the members of the Constabulary force for endeavouring to carry out, and always to sustain the system in which they and their predecessors have been brought up. The Irish Executive, from the most insignificant constable in the police force, through all the magistracy and up to the Chief Secretary and the Lord-Lieutenant, have been accustomed to govern "in a state of siege." They cannot even still apparently govern in any other way.[10] And yet Thomas

[9] McLennan, "Memoir of Drummond." p. 259.

[10] "Time after time, with good or insufficient grounds, it has been deemed necessary to ask Parliament for additional powers for the Executive in Ireland. The result has been that there is not so much reliance upon the Irish Administration to support the law as upon English help that the law is enforced. The conclusion to which I have been forced to come is due mainly to the fact that the whole official body in Ireland, from the Lord-Lieutenant to the youngest policeman, have been taught too much to rely upon British power." (Mr. Forster, House of Commons, Jan. 7th, 1881.)

Drummond governed in very troubled times, with no other weapon but the ordinary law, and his own strong hand to wield it. Thomas Drummond had little sympathy for the Irish magistracy. He regarded them with distrust and contempt. Hence it was that he "longed" for the appointment of an efficient staff of stipendiaries to aid him in the administration of even-handed justice in Ireland. He felt how important it was to inspire the people with confidence in the administration of justice in the local courts, and in the "judges" who presided over them. But, as Mr. McLennan truly says, the people had no confidence in the petty session judges; and Thomas Drummond tells us the reason. "Grossly," he says, "have the local magistrates abused their power in many—in very many—instances; but their wings are clipped, and I hope and believe that there is some chance of justice being better administered soon, and ultimately being well administered. The confidence of the people will be regained; though given to the Government [of Lord Melbourne] now, it is withheld from their local courts, and no wonder."[1]

I shall give an instance of how Drummond "clipped the wings" of the local magistrates, and dealt with Orangeism. At an election dinner in the North (when party feeling was running high), Colonel Verner, Deputy-Lieutenant of the County of Tyrone, and the representative of the Orangemen of the Empire in the House of Commons, gave as a toast "The battle of the Diamond." The Diamond, it must be understood, is a little village about five miles from Armagh, and is supposed to be the birth-place of Orangeism. A serious conflict between some Catholics and Protestants took place here in 1795. After the "battle" a few yeomen and farmers joined together "for mutual defence, and the assertion of British rights." So, it is said, the first Orange Lodge was established. The toast of the "battle of the Diamond" was then, one commemorative

[1] McLennan, "Memoir of Drummond," p. 278.

of the foundation of Orangeism. Drummond knew what fatal results often flowed from those party toasts and displays in the North of Ireland, and from the spirit of rivalry and animosity to which they gave life. Accordingly he wrote to Colonel Verner thus:—"It appearing in the *Newry Telegraph* that at an election dinner, given by you, one of the toasts was 'The battle of the Diamond,' I am desired by his Excellency to desire that you will inform him whether it can be possible that you were thus a party to the commemoration of a lawless and most disgraceful conflict, in which much of the blood of your fellow-subjects was spilt, and the immediate consequence of which was, as testified by all the leading men and magistrates of your county, to place that part of the country at the mercy of an ungovernable mob." Colonel Verner haughtily replied, "I am disposed to think that, when you put a question in a form like this, you can hardly expect, on cool reflection, that I should condescend to answer it—at least I would imagine you could expect no other answer than one which I hold superfluous, namely, that I am not capable of being a party to the commemoration of anything 'lawless or disgraceful.'" Colonel Verner, parrying Drummond's question, then went on to say that he considered his letter "very unintelligible," and, alluding to the fact that there had been many conflicts of the "Diamond" of recent years, added, "Of all the conflicts which took place at any of the various places, called by the name of 'Diamond,' there is none to which your description is in the least degree applicable." Drummond answered, "You profess yourself unable to recognize the conflict [of the Diamond]. If his Excellency could have anticipated that you would have experienced, from this cause, any difficulty in replying to the question addressed to you, he would have referred you to your own evidence, published in the report of the Committee on Orange Lodges in Ireland, and more especially to the following answer, No. 92:—Question: 'The battle of Diamond

Hill took place the 21st of September, 1795—did it not?—Answer: 'It did.' His Excellency need scarcely observe that the number of such conflicts does not render the commemoration of one or more of them the less objectionable, or make it less imperative on him to ascertain the fact of magistrates having joined in such proceedings." The letter concluded thus—"Upon a full consideration of the case, his Excellency will deem it expedient to recommend to the Lord Chancellor that you should not be included in the new Commission of the Peace, and will also direct your name to be omitted from the revised list of deputy-lieutenants for the County of Tyrone. Signed, MORPETH." So ended Drummond's passage of arms with Colonel Verner.

With the appointment of the stipendiaries in 1836, Drummond's difficulties in maintaining order became less formidable. He had also succeeded by degrees in making the police force a very effective body, and had in fact infused into all the departments new life and vigour. The spirit of Drummond was felt everywhere. "The police," says General Larcom, "became under his hands an almost perfect machine, which, like a delicate musical instrument, responded at once from the remotest part of Ireland to his touch in Dublin Castle." [2]

The power of Orangeism was soon broken. Drummond always kept himself accurately informed for days in advance of the Orange tactics, and he was always prepared. He always knew what to do, and he did it at the right time and place. He moved the troops—constabulary and regulars—about the country with the precision of a Moltke. He never trusted the local magistrates on critical occasions. The troops were sent under the direction of stipendiaries, and the stipendiaries acted under the direct orders of Drummond. In 1836 twelve troops and a half of cavalry and thirty-four companies of infantry were employed, under the direction of thirty-three stipendiaries, to

[2] McLennan, "Memoir of Drummond," p. 266.

suppress Orange demonstrations. In 1837 a less number was found to be sufficient, and in 1838 nine troops of cavalry and five companies of infantry, under the direction of sixteen stipendiaries, were enough. By such means was peace preserved in the North.

Whilst having his energies thus greatly taxed by Northern troubles, Southern disturbances demanded an equal amount of vigour and skill from Drummond. In those days the celebrated Faction Fights were a source of grave disorder. On well-understood occasions, such as holidays and fairs, the people in the South and West turned out and fought in battle array. Several thousands, we are told, used sometimes to be engaged in those struggles. Before Drummond's time it was considered practically impossible to put down the Factions. The rule, apparently, was that no disorders could be put down without coercion, and that the Factions could not be put down under any circumstances. It was left for Drummond to show how effectually order might be maintained without the adoption of a policy unworthy of statesmanship.

In dealing with the Faction Fights Drummond resolved, in accordance with his invariable practice, to strike—and to strike at once, so far as it was possible for him—at the causes of the disorders. If Faction Fights were likely to take place at fairs or markets, Drummond was determined that the police, and, if necessary, the military should be there to prevent them. But he thought a better plan still would be to stop the fairs and markets, when it was possible; and it was possible in many cases. In fact, there were then several fairs and markets held in Ireland which might well be dispensed with without much inconvenience to any one except the Faction Fighters. There is a story told of an Irish farmer who, on being asked by his son what he should do when he got to the fair, replied, "Wherever you see a head, hit it." There was a good deal of head-hitting, and very little of any

other kind of "business" transacted at some of those fairs and markets.

Thomas Drummond quickly ascertained by his own personal observation what fairs and markets might, without any interference with the business of the country, be suppressed, and those he determined to prohibit. But in his efforts to suppress the Factions, he had to contend with the inertness—I might almost say the imbecility—of Irish officialism, which he found to exist everywhere when *work* had to be done. Whenever he proposed something that was new and not easy of accomplishment, he was told by coercively-reared officials that it could not be done. A sub-inspector of police wrote him in 1836 that the suppression of fights at fairs and faction riots was impracticable. Thomas Drummond had not been many months in the country when the sub-inspector wrote, "There is no doubt, if the business will be well followed up, for a sufficient time, these disgraceful riots will presently be put a stop to." The business was well followed up, and the disgraceful riots put a stop to.[3]

The following incident, related by Drummond's sister, trifling as it is, will serve to illustrate the mode in which the Under-Secretary dealt with Irish disturbances and disorder; it will also serve to illustrate the *non possumus* character of the Irish officials:—"On the Sunday afternoons and evenings crowds used to assemble in the Phœnix Park. Drinking-booths were opened, and few Sundays passed without riot and mischief ensuing. My brother talked over the matter with some friends, who told him he must not dream of interfering, because it was a very old custom, and it would not do to attempt to put it down. He resolved, however, that he would make the attempt; so one Sunday afternoon, the people having assembled as usual, and the booths being erected, he rode out unattended among the crowd. To the keeper of the nearest booth he represented the consequences of

[3] McLennan, "Memoir of Drummond," p. 271.

the meeting—drunkenness, brawls, fighting, and then punishment; he said these things were to him very painful, and that it would give him great satisfaction could the meetings be altogether given up. The man immediately, without a word of remonstrance, complaint, or even a show of sullenness, set about packing up. He quickly left the grounds, and never returned again. The same result occurred at other booths, and in a short time the park was cleared, and the 'old custom' given up for ever."[4] Thus it was that Thomas Drummond, in a spirit of conciliation and by reasonable courses—not but he was always prepared when the necessity arose to enforce the ordinary law with a vigour that was irresistible—governed Ireland. No Under-Secretary or Chief Secretary before or since his time has governed her with such success, and this because Drummond was (what Carlyle has said Johnson was) "no Clothes-Horse, no Patent Digester, but a genuine man."

More serious and formidable than the Factions were the illegal Agrarian Associations with which Drummond had to deal. There have been illegal Agrarian Associations in Ireland since 1761, when Whiteboyism first came into existence. It is a grave statement to make, but the truth must be told—those associations gave to the Irish peasants the protection which, beyond all doubt, they needed, but which the Parliament of England was unwilling or unable to afford. "The Whiteboy Association," says Sir George Cornwall Lewis, "may be considered as a vast trades union for the protection of the Irish peasantry, the object being to keep the actual occupant in possession of his land, and in general to regulate the relation of landlord and tenant for the benefit of the latter."[5] Parliament had regulated it for the benefit of the former. With reference to the subject of Whiteboyism, the opinion of Mr. Poulett Scrope, an English landlord, and a

[4] Ibid. p. 404.

[5] G. C. Lewis, "Irish Disturbances," p. 99.

most moderate politician, who sat in the House of Commons for many years as member for Stroud, will, I doubt not, be read with much interest. He says—"Though God gave the land of Ireland to the people of Ireland—to the many—the law has given it unconditionally to the few. Even in the best of times, if the landlord refuse to any peasant the holding of a plot of land—if other starving wretches outbid his offers for the patch of soil whose possession is as necessary to his existence as the air he breathes—if sickness or misfortune prevent his punctual payment of the enormous rent he has promised, and he and his family are ejected (by the cheap and summary process which landlord-made law provides) from the cabin which sheltered him from his birth and his fathers before him—what remains? He must die! The law, at least, says so. The law allows him no other alternative. He may contrive to prolong a precarious existence on the charity of his poor neighbours (as he asks it in vain from the rich), or he may take by stealth what is necessary to preserve life. But the law does not recognize these means of living; on the contrary, the law forbids them. The law says if he cannot rent land or obtain work he shall starve. This is the real wrong—this is the giant grievance—this is the most crying, the most urgent, of the just complaints of the Irish people. And it is against this state of the law that they combine in their Whiteboy associations—associations that will never be put down until the law extends that protection to the lives of the poor which it now lavishes almost exclusively on the property of the rich. And who will say that the peasantry ought not in such a state of the law to combine for their mutual protection? Is there no point of oppression at which resistance to the law becomes a duty? We have the recent authority of the head of the law for the principle—a principle as old as it is true—that allegiance is only due where

protection is afforded, and that where the law refuses its protection it cannot claim allegiance. Does the law then protect the Irish peasant? Not from starvation. It does not protect him from being thrust out from his home and little holding into absolute destitution, to perish on the highways of famine, or to waste away in those abodes of filth, misery and disease, in the suburbs of the towns which Dr. Doyle so faithfully describes as the ordinary refuge and dying-place of the ejected cottier and his family. It does not prevent him from being visited by this fate at the command of an absentee landlord, who may desire to clear his property of some of the human incumbrances whom God has brought into being upon it. The law affords the Irish peasant no protection from so horrible a fate. Hundreds are at present exposed to it. Millions know that they are liable to it. Can the law justly require their allegiance? Can we expect them willingly to pay it? No! The peasantry of Ireland feel that the law places their lives at the mercy of the few, whom it invests with sovereign power over the land of their native country—with power to sweep them at will off the surface! . . . They feel that the continuance of the system of *clearing estates*, which has been for so many years in progress, is a question of life and death to them. And therefore do they combine against it. Therefore it is—however little minds may wonder at the fact—that they show no more repugnance to the shedding of blood in open day, in the presence of assenting thousands, in the execution of the sentences of self-organized tribunals, looked upon by them as the sole safeguard of their lives, than does a soldier hired to fight for his country's safety in the field of battle. It is to their own Whiteboy law that their allegiance is considered due. They look alone to the secret tribunals of their own establishment for the protection which the law of the Imperial Parliament denies them. And they obtain

it! Let those who know Ireland deny the fact, if they can. The peasantry of Ireland do more or less obtain from the Whiteboy associations that essential protection to their existence which the established law of the country refuses to afford. The Whiteboy system is the practical and efficient check upon the ejectment system. It cannot be denied that but for the salutary terror inspired by the Whiteboys, the clearance of estates (which in the over-peopled districts in Ireland is considered, justly or not, to be the only mode of improving or even of saving them) would proceed with a rapidity and to an extent that must occasion the most horrible sufferings to hundreds of thousands of the ejected tenantry. Some landlords have bowels of compassion, and might hesitate so to employ the fearful power with which the law has unconditionally armed them for the improvement of their property. Many, the majority perhaps, would not be stayed by such scruples. It is easy to satisfy the mind of an interested party that what the law allows to be done cannot be wrong—that what appears necessary for the preservation of property must be right. May they not do as they will with their own? Yes! But for a salutary dread of the Whiteboy associations, ejectments would desolate Ireland and decimate her population; casting forth thousands of families like noxious weeds rooted out from the soil on which they have hitherto grown perhaps too luxuriantly, and flung away to perish in the roadside ditches. Yes; the Whiteboy system is the only check on the ejectment system; and, weighing one against the other, horror against horror and crime against crime, it is perhaps the lesser evil of the two—a necessary evil in the present state of the law in Ireland—a mitigation of the otherwise intolerable slavery which the law of the land enforces of the Irish peasant to the Irish landlord. The Whiteboy system will never be put down until the Legislature establish a law for the end it aims at—that, namely, of protecting the

lives of the Irish peasantry and securing to them the means of living by their industry."[6]

Drummond's difficulties in dealing with Irish agrarianism and Irish disturbances generally—great under any circumstances—were increased by the action of the English Parliament. It is scarcely an exaggeration to say that, as fast as Lord Melbourne brought in remedial measures they were thrown out by the Lords. The irritation produced in Ireland by the obstruction thus offered to remedial legislation immensely embarrassed Drummond. He was expected to keep order in the country whilst the unwise action of the House of Lords was actually fanning the embers of Irish discontent into flames. When those flames burnt fiercely, and when danger seemed imminent—the danger being in a great measure caused by themselves—the Lords in effect exclaimed, Suspend the Habeas Corpus. But Melbourne retorted, Pass the Tithes Bill. No redress, no coercion. This was the principle of the Melbourne administration. Give us troops to collect the tithes, and to protect us from the vengeance of the peasantry, cried the clergy to Drummond. Proclaim our counties; give us martial law; fling the tenants into gaol without trial by jury, said the landlords. Be just, and fear not, replied the Under-Secretary. You have brought a great many of your troubles on yourselves. I shall of course, nevertheless, protect you by the rigorous enforcement of the ordinary law. But you do not deserve—and you shall not have—extraordinary powers, in order that your unfortunate tenants may be more helplessly placed within your grasp than they are even now. Mr. McLennan relates the following incident, which is illustrative of the firmness, the sense of justice, and the thorough appreciation of the condition of affairs in Ireland generally, exhibited by Drummond in all his encounters with the Ascendency Party:—"The

[6] Poulett Scrope, Letter to Lord Melbourne, 1834, reprinted, and addressed to Sir Robert Peel in 1844.

Tithes Commutation had not yet (1836) been carried, and in various parts a hot war was being carried on against the peasantry to levy the tithes by force. In one parish in Munster alone the police in a single week accompanied four commissions of rebellion. Writs of rebellion, seizures, auction-sales for tithes, and wholesale ejectments were everywhere being enforced. Even these means did not suffice the tithe collectors. An incident in these weeks was the application to Government of Mr. Talbot Glasscock, attorney to the Dean of St. Patrick's, for 'the aid of the civil and military powers to effect the service of Exchequer processes upon some of the Dean's parishioners in the County of Kilkenny.' The application—like many similar ones made at that time—was refused."[7] The refusal led to a correspondence between Mr. Glasscock and Drummond, in the course of which Mr. Glasscock grew very warm and offensive, and the Under-Secretary, as was his wont, remained very cool and very firm. But Mr. Glasscock did not gain his point.

Another interesting incident in the administration of Drummond was his memorable passage of arms with the Tipperary magistrates. Some agrarian outrages had occurred in Tipperary: an attack was made upon three landlords—Mr. Samuel Cooper, Mr. Austin Cooper, and Mr. Francis Wayland. Whilst proceeding to the fair of Tipperary, the Messrs. Cooper in a gig and Mr. Wayland on horseback, they were fired upon by four men. Mr. Samuel Cooper and Mr. Wayland returned the fire, but unhappily Mr. Austin Cooper was shot dead by a ball passing through his head, and Mr. Wayland was severely wounded in the hip. "It appears," says the magistrate, in reporting the outrage to the Lord-Lieutenant, "that it was known for some time previous to this attack that it was the intention of the miscreants of the country to assassinate these two gentlemen; that a committee of villains had met, and determined upon the death of Mr. Austin Cooper;

[7] McLennan, "Memoir of Drummond," p. 408.

that his friends had warned him frequently of his danger; yet, notwithstanding the precautions he took, he was unable to avoid the ball to which he had been doomed. Mr. Wayland's house was attacked a few days previous with the view of shooting him." The magistrates now asked the Lord-Lieutenant for additional power to protect "life and property," which they said "were not safe in the country." "A terrible state of intimidation," they added, "existed among the juries." "We beg respectfully," they wrote to the Lord-Lieutenant, "that her Majesty's Government will bring in a Bill to Parliament for the purpose of inflicting a heavier penalty than that now in force on persons for having unregistered arms or ammunition in their possession. We also recommend that licences granted for keeping arms be renewed annually, and that additional powers for searching for arms be given to the magistrates."[8] To this letter Drummond replied, in a communication addressed to Lord Donoughmore, expressing the "deepest concern for the lamentable occurrence" to which the magistrate called attention. "Prompt and vigorous measures," he said, "should be adopted to bring to justice the perpetrators of so atrocious an act." However, he did not conceal from the magistrates his doubts as to being able fully to assert the law in the matter.

"The Government," he said, "has been at all times ready to afford the utmost aid in its power to suppress disturbance and crime, and its efforts have been successful so far as regards open violations of the law. Faction fights and riots at fairs, which were generally of a very ferocious character, and the fruitful source of much subsequent crime, have been to a very great degree suppressed, though heretofore most commonly suffered to pass unchecked and unpunished; but there are certain classes of crime originating in other causes which are much more difficult of repression. The

[8] Letter addressed to the Lord-Lieutenant, and signed by Lords Glengall and Lismore, and thirty other Tipperary magistrates.

utmost exertion of vigilance and precaution cannot always effectually guard against them, and it becomes of importance to consider the causes which have led to a state of society so much to be deplored, with a view to ascertain whether any corrective means are in the immediate power of the Government or the Legislature." Drummond then states what he believes to be the causes of these outrages. "When the character of the great majority of serious outrages occurring in many parts of Ireland, though unhappily most frequent in Tipperary, is considered, it is impossible to doubt that the causes from which they mainly spring are connected with the tenure and occupation of land." He then proceeds to point out what he conceives to be the true remedy for the disorder, and to give his views as to the adoption of extraordinary measures.

"Property has its duties as well as its rights; to the neglect of those duties in times past is mainly to be ascribed that diseased state of society in which such crimes take their rise, and it is not in the enactment or enforcement of statutes of extraordinary severity, but chiefly in the better and more faithful performance of those duties, and the more enlightened and humane exercise of those rights, that a permanent remedy for such disorders is to be sought.

"Whatever Government can do to protect the rights which the law has conferred, and to suppress violence and crime, from whatever cause arising, his Excellency, as head of the Executive, will direct and enforce; but his Excellency firmly believes that the end so earnestly to be desired will be more speedily and effectually attained by the vigorous administration of the ordinary laws than by the adoption of any more vigorous measures. His Excellency," Drummond added, "has given, and will continue to give to the administration of the laws his most anxious consideration . . . the rest," he concluded, "must be left to time, to the faithful and diligent performance of their duties by the local magistrates, to the beneficial exercise of their

rights as landlords, and to the operation of such measures of general policy as the legislature in its wisdom may adopt." It may safely be said that this letter produced a panic among the landlords and magistrates of Tipperary. The doctrine that "Property has its duties as well as its rights," was so thoroughly novel—so audacious in its novelty—that the landlords might well be excused for feeling discomfited and dismayed on reading Drummond's extraordinary and to them almost incomprehensible words. To be told, as Drummond plainly told them, that they themselves were in some measure to blame for the melancholy condition of things which prevailed, was a matter not easily to be borne. But what was to be done? The magistrates acted with great good sense in this affair. They did not publish Drummond's letter; they did nothing.

Lord Donoughmore very candidly and fairly stated subsequently the reasons of the inaction of the magistrates to the Roden Committee. "I was very unwilling," his lordship said, "to make the letter public. I sent for Lord Glengall, Lord Hawarden, and Lord Lismore, and read the reply over to them three or four times, and although I did not conceive the document, though directed to me as Lord-Lieutenant, to be my document, for Lord Glengall was chairman of this meeting, I said, 'Though this is your document, I shall not give it under the state of excitement in which the country is. I shall not allow it to be published at present, inasmuch as I am the party to whom it is addressed.' It was so worded that it threw the blame upon the landlords of having been the authors of the outrages. That was the impression upon my mind, and I did not wish it published." Being asked to point out the passages which he conceived had a dangerous tendency, he said, "The part of this answer to which I particularly objected was this, 'Property has its duties as well as its rights; to the neglect of these duties in times past is mainly to be ascribed that

diseased state of society in which such crimes take their rise.'" The history of the letter after its concealment by the Earl is somewhat curious. It was laid on the table of the House of Commons on the motion of Mr. Hume, and was afterwards disseminated over Ireland by the Press and in fly-sheets before it ever met the eyes of the magistrates, to whose petition it was the answer. The purpose of the document, according to the Earl of Donoughmore and his friends, was to inflame the minds of the people against the landed proprietors.[9]

But whilst steadily resisting every suggestion and appeal for the suspension of the Constitution in Ireland, Drummond continued to work the ordinary law in a manner which fairly astonished the demoralized officials by whom he was surrounded—demoralized by over-doses of what Mr. Bright has so well described as the "ever-failing and poisonous medicine" of coercion.

Drummond was, however, unable to suppress completely the agrarian associations; indeed he conceded the fact. That was a work to be accomplished, he well knew, not by the Irish Executive, but by the English Legislature. Whilst the relations of landlord and tenant in Ireland remained unreformed, agrarianism could never, it was abundantly evident to every thinking man, be effectually put down. All that could be done in the face of the difficulties created by "bad legislation, by careless legislation, by criminal legislation," Drummond did to check the growth of Whiteboyism and Ribbonism, but strengthened as those associations were by the action of the English Parliament, the work was too much, even for him. The Tory Party thought that as Drummond was not governing in "a state of siege," he must necessarily be ignorant of the tactics of the agrarian societies, and indeed he was directly charged with a dereliction of duty in regard to them. But in his examination before the Roden Committee the Under-Secretary "opened

[9] McLennan, "Memoir of Drummond," p. 325.

the eyes" of his assailants. He made a most able statement, displaying a knowledge of the objects, details, and intricacies of Ribbonism, which put to shame those who had charged him with neglecting his duties. In fact the Ribbonmen *felt* the presence of Drummond, as did all the disturbing elements of Irish society—Orangemen, Factions, and Whiteboys.

It is unnecessary to dwell upon the difficulties of coping with Ribbonism.[1] The arrest of a Ribbonman is even still, I need not say, a rare occurrence. Modern Irish Secretaries have been unable to accomplish this very difficult feat, even when the Constitution has been suspended to aid them in the discharge of their duties. Drummond did not require the suspension of the Constitution to enable him to bring Ribbonmen to justice, and learn in some degree their movements. Soon after his arrival at the Castle, and when he had imparted a little of his own vigour to the Irish authorities, and put life into the police, a Ribbonman was arrested. The man had committed an offence in Sligo, and was apprehended in Dublin on his way to England. Some time later another Ribbonman was apprehended, and important papers were found in his possession, leading to significant disclosures. The importance of even one or two Ribbon arrests will easily be appreciated by those who are acquainted with the operations of the society. Ribbonmen are so seldom arrested. They can, as a rule, inflict their terrible punishments with such deplorable impunity, that the apprehension of even one of their number creates not a little consternation amongst them, and produces a most wholesome effect. They begin to feel that the police are stirring, and that they can no longer pursue their operations with safety. They acquire some respect for the law—some fear of it. There are no body of men in Ireland that find out more quickly whether there is a strong or a weak man at the Castle than do the Ribbon or agrarian societies. These associations very quickly

[1] I use the word Ribbonism here as synonymous with agrarianism.

recognized the strength of Thomas Drummond; they felt it in two ways. Firstly, the police were more vigilant; secondly, the peasantry were less sympathetic. The former feared Drummond; they saw that he was determined to make them do their work, and not to tolerate their wretched excuses that they couldn't do anything without a Coercion Act. Accordingly they bestirred themselves. The latter liked Drummond. They felt that he meant and was resolved to do well by them; they saw that he was a man not of mere intentions, but of deeds; not of words, but acts.

> "Unshaken, unredeemed, unterrified;
> Nor number, nor example with him wrought
> To swerve from right or change his constant mind."

They observed how he bearded the magistrates and landlords in his efforts to obtain justice for the Irish people. The spectacle of a stranger doing all this, devoting his life and all his great energies to the service of a country not his own won their hearts. Accordingly they did not exhibit to the same extent that sympathy for Whiteboys and Ribbonmen in trouble which had formerly been shown. Drummond was steadily impressing the people with the belief that the English Government was able to protect them from the territorial despots by whom they were oppressed, and the people were steadily showing a reciprocal confidence in the Government.

Another matter which attached the people to Drummond, and enabled him to avoid the errors into which so many Irish Secretaries have fallen, was the circumspection he exercised in dealing with informers. "The spy system," says Mr. McLennan, "so abhorrent to so-called British feeling, is a necessary recourse of every Government;" but "it may be questioned whether it has in any country been carried to greater lengths than it has been at times in Ireland."[2] It may truly be said that there have been few countries

[2] McLennan, "Life of Drummond," p. 293.

where the authorities have so culpably, and I might almost say so recklessly, surrendered themselves into the hands of the informer and the spy as in Ireland. But Drummond treated the informers of the time with caution. He saw and examined them himself, tested their evidence thoroughly, acted upon it with hesitation, and very often did not act upon it at all. The following incident, related by Drummond, will show how he dealt with informers:—"Mr. O'Connell made a communication to the Government at that time that he had received information that a person had important intelligence to give respecting those societies. I saw that person, and he made a stipulation that he should not be required to communicate with any police magistrates. I was to see him alone, in secret, and at night. He came to me, accordingly, by appointment, and detailed much of that information which has subsequently been given by the police commissioners respecting those two societies. He told me of several outrages, which, he said, were concocted at their meetings. I urged him, seeing that those outrages were committed almost daily, and as he belonged to one of the societies, to give me, as a test of the accuracy of his statements, information previous to the commission of an outrage, that the police might be able to arrest the offenders in the act. From that time to this, however, he has never given such information in any one instance, nor has any other among the many informants known to the Government given information which would enable the Constabulary to take measures for the prevention of crime. I had a communication from Lord Morpeth, who was at that time in England. Parliament met in November, 1837, and Mr. O'Connell, who had taken a very leading part in denouncing these secret and illegal societies, waited on Lord Morpeth in London, and told him he had heard of another person who was prepared to give information. Lord Morpeth wrote to me in these words: 'O'Connell has just been with me, and brought

me the enclosed. I need not talk of its importance; will call on you. Protection, personal and pecuniary, is what he wants to be guaranteed to him. I am sure you will be sparing of no effort to fathom and blow up this business. It is quite clear that the man is not exaggerating it for the purpose of magnifying his own merits.' I continued to see this man from day to day without any result whatever. His information was a mere statement of the names of persons alleged by him to be members of these associations. At that time there were outrages committed against Mr. Guinness. I was in constant communication with this informer concerning them. He declared to me that the persons committing them were in the very lodge to which he belonged; but, notwithstanding his repeated promises to bring me information that would lead to the apprehension of those men, he never in a single instance brought information that would enable us to anticipate an outrage. Seeing this going on, I told him it would be necessary to put him in communication with the Police Commissioners, for I could not devote more time to it."[3]

The information of those spies generally proved worthless. But the magistrates did not exhibit the same tact, and show the same amount of caution as Drummond evinced in dealing with informers. Indeed, it would seem that Lord Roden was a good deal taken in by the stories which Drummond had sifted and proved unworthy of credence. "Many of these informers," says McLennan, "were discovered to be utterly worthless and infamous persons. One, who made a trade of playing informer, tried several magistrates in turn, and got money from them before his true character was discovered. In another case, where an informer came forward as an accessory to a Ribbon murder, it was clearly established that his information

[3] Mr. Drummond's evidence; the Roden Committee appointed to inquire into the state of Ireland since 1835. Ordered to be printed by the House of Commons, August 2, 1839.

was wholly false, and that he knew nothing whatever of the murder. Yet it was on reliance of statements from persons of this class that Earl Roden founded his charge, and that one of the magistrates—a Mr. Rowan—firmly believed it."[4] To this Mr. Rowan every facility was afforded by the Government of following up the information he had received, and on which he relied; but nothing ever came of his exertions.

Forty-five cases of Ribbonism had been thoroughly investigated by Drummond, whilst the Tory party thought he was falling asleep over the matter in the Castle. These cases had occurred in Sligo, Cavan, Louth, Meath, Wicklow, Leitrim, Clare, Mayo, Galway, Monaghan, Donegal, Longford, and Westmeath. But, despite his efforts, Drummond failed to suppress agrarianism completely—first, because his reign at Dublin Castle was, unhappily, too brief; and, secondly, because Lord Melbourne's efforts to do full and complete justice to the Irish people were, unfortunately, rendered unavailing in consequence of the hostility of English public opinion.

The failure of so powerful an administrator as Drummond to put down agrarianism ought to teach English legislators a useful lesson. It proves that even a strong Irish Executive cannot effectually cope with agrarian combinations, unless they are supported in their attempts by equally strong remedial legislative action directed towards the effective amelioration of the condition of the Irish peasantry.

Drummond's labours in Ireland seriously impaired his health. So anxious was he to promote the welfare of that country that, not content with zealously discharging his own duties, he undertook additional work of a most arduous kind. A Commission had been appointed, chiefly upon his suggestion, to consider the advisability of constructing extensive lines of railway, under the control of Government, through-

[4] McLennan, "Memoir of Drummond," p. 293.

out the country, and he was, at his own solicitation, appointed one of the Commissioners. Drummond's work upon this Commission would, if he had never done anything else for Ireland, have entitled him to the lasting gratitude of the Irish people. But the work was too much for him, and he sunk under it.

In the winter of 1839 it became evident that Drummond's health was breaking down. His friends urged him to relinquish his duties for a time, and seek rest, and change of scene. Yielding to their repeated entreaties he went to England for a short time. He returned to Dublin in February, 1840. On the 10th of April of that year, Mr. McLennan tells us, he entertained a party of friends to dinner. He rode to the Castle as usual on Saturday morning. On Sunday he became seriously unwell. On Monday he grew worse. On Tuesday it became clear that Thomas Drummond had not now long to live. As pure and noble a soul as had ever been breathed into man was quickly passing away. On Tuesday night he asked to see his children. The doctors felt obliged to deny him this request. He then begged Dr. Johnstone to open a drawer, which he pointed out, where there were three small Bibles, each with a history attached to it. "Give these," he said, "to my children, with their papa's blessing. It is the best legacy I can give them." On Wednesday afternoon Drummond began to sink rapidly. All was nearly over now. Dr. Johnstone told his noble-hearted patient that he had not many minutes to live. "Doctor," replied Drummond, "all is peace; tell my mother that on my deathbed I remembered the instructions I had received from her in childhood." Mrs. Drummond entered the room, and he bade her a last farewell. "Dearest beloved Maria," he said, "you have been an angel of a wife to me. Your admonitions have blessed me long." The last moment had now arrived, and Dr. Johnstone asked Drummond where he wished to be buried. "In Ireland or in Scotland?" "In Ireland

—the land of my adoption," was the immediate answer; "I have loved her well, and served her faithfully, and lost my life in her service." All then ended. One of the best—one of the most unselfish and pure-minded friends Ireland has ever known, was no more.

Drummond's remains rest in Harold's Cross Cemetery, Dublin, and his statue, the only one, it may be truly said, ever erected by the Irish people to an English official, stands in the City Hall, side by side with the sculptured figures of Charles Lucas, Henry Grattan, and Daniel O'Connell. His memory is to-day green in the hearts of the nation he loved and served so well; his name honoured and revered wherever his life and work are known.

APPENDICES.

A.

THE NORMANS IN IRELAND.

"The conquest of Ireland by the Anglo-Normans is perhaps the only conquest where, after the first disasters, the slow and imperceptible course of events has not brought about a gradual amelioration in the state of the conquered people. Without having ever enfranchised themselves from the foreign domination, the descendants of the Anglo-Saxons have still made great progress in prosperity and civilization. But the native Irish, though apparently placed in a similar position, have been constantly declining for the last five centuries; and yet that population is gifted by nature with great vivacity of mind, and a remarkable aptitude for every class of intellectual labour. Although the soil of Ireland is fertile and adapted for cultivation, its fecundity has been alike unprofitable to the conquerors and to their subjects; so that, notwithstanding the extent of their domains, the posterity of the Normans has become gradually impoverished, in common with that of the Irish. This singular and mournful destiny, which weighs almost equally on the old and on the new inhabitants of Erin, has for its cause the vicinity of England, and the influence which her government has exercised, ever since the conquest, over the internal affairs of that island.

"This influence has always manifested itself at a time and in a manner to disturb the course of amicable relations, which time and the custom of living together were tending to establish between the Anglo-Irish and the Irish by race. The intervention of the Kings of England, whatever its ostensible aim, has always had the effect of keeping up the primitive

separation and hostility. In times of war, they assisted the men of Anglo-Norman race; when the latter had compelled the natives to tranquillity, the kings, jealous of their power, and fearing a political separation, studied in every mode to injure and weaken them. Thus it became impossible that the struggle between the two populations should ever terminate, whether by the victory of the one, or of the other, or by their complete fusion. This fusion, a rapid one had it taken place, would have presented a phenomenon which has not been met with elsewhere. Attracted by the gentleness of character and sociability of the natives, their conquerors felt an irresistible tendency to assimilate with the conquered, to adopt their manners, their language, and even their dress. The Anglo-Normans became Irish; they exchanged their feudal titles of earl and baron for patronymic surnames; the Dubourgs called themselves Mac-William-Bourg; the De Veres, Mac-Swine; the Delangles, Mac-Costilagh; The Fitz-Urses, Mac-Mahon; and the Fitz-Geralds, Mac-Gheroit. They acquired a taste for Irish song and poetry, they invited the bards to their tables, and entrusted their children to women of the country. The Normans of England, so haughty towards the Saxons, termed this degeneration.

"To check the degeneration, and maintain entire the ancient manners of the Anglo-Irish, the kings and Parliament of England made many laws, most of them very severe. Every Norman or Englishman by race, who married an Irishwoman, or wore the Irish dress, was treated as an Irishman—that is to say, as a serf in body and goods. Royal ordinances were published, regulating the cut of the hair and beard in Ireland, the number of ells of stuff to go to a dress, and the colour of the stuff. Every merchant of English race who traded with the Irish was punished with the confiscation of his merchandise; and every Irishman found travelling in the part of the island inhabited by the Anglo-Normans, especially if he were a bard, was considered and treated as a spy. Every lord suspected of liking the Irish became, for that sole offence, the mark of political persecution; and if he were rich and powerful, he was accused of seeking to become King of Ireland, or, at least, of a desire to separate that kingdom from the Crown of England."—Thierry, "Norman Conquest," vol. ii. p. 319.

B.

THE TUDORS IN IRELAND.

"It was not until the reign of Henry VIII. that the royal authority became in any degree a reality over the whole island, but its complete ascendency dates only from the great wars of Elizabeth, which broke the force of the semi-independent chieftains, crushed the native population to the dust, and established the complete ascendency of English law. The suppression of the native race, in the wars against Shane O'Neil, Desmond, and Tyrone, was carried on with a ferocity which surpassed that of Alva in the Netherlands, and was hardly exceeded by any page in the blood-stained annals of the Turks. Thus a deliberate attempt was made by a servant of the British Government to assassinate in time of peace, the great Irish leader, Shane O'Neil, by a present of poisoned wine; and, although the attempt failed, and the assassin was detected and arrested, he was at once liberated by the Government. Essex accepted the hospitality of Sir Brien O'Neil. After a banquet, when the Irish chief had retired unsuspiciously to rest, the English general surrounded the house with soldiers, captured his host, with his wife and brother, sent them all to Dublin for execution, and massacred the whole body of his friends and retainers. An English officer, a friend of the Viceroy, invited seventeen Irish gentlemen to supper, and when they rose from the table had them all stabbed. A Catholic Archbishop named Hurley fell into the hands of the English authorities, and before they sent him to the gallows they tortured him, to extort confession of treason, by one of the most horrible torments human nature can endure—by roasting his feet with fire. But these isolated episodes, by diverting the mind from the broad features of the war, serve rather to diminish than to enhance its atrocity. The war, as conducted by Carew, by Gilbert, by Pelham, by Mountjoy, was literally a war of extermination. The slaughter of Irishmen was looked upon as literally the slaughter of wild beasts. Not only the men, but even the women and children who fell into the hands of the English were deliberately and systematically butchered. Bands of soldiers traversed great tracts of country, slaying every living thing they met. The sword was not found sufficiently expeditious, but another method proved much more efficacious. Year after year, over a great part of Ireland, all means of human subsistence were destroyed, no quarter was given to prisoners who

surrendered, and the whole population was skilfully and steadily starved to death. The pictures of the condition of Ireland at this time are as terrible as anything in human history. Thus Spenser, describing what he had seen in Munster, tells how, 'out of every corner of the woods and glens they came creeping forth upon their hands, for their legs could not bear them. They looked like anatomies of death; they spoke like ghosts crying out of their graves; they did eat the dead carrion, happy when they could find them—yea, and one another soon after, inasmuch as the very carcases they spared not to scrape out of their graves.' The people, in the words of Holinshed, 'were not only driven to eat horses, dogs, and dead carrion, but also did devour the carcases of dead men, whereof there be sundry examples. . . . The land itself, which before these wars was populous, well inhabited, and rich in all the good blessing of God—being plenteous of corn, full of cattle, well stored with fish and other good commodities, is now become . . . so barren, both of men and beast, that whoever did travel from the one end of all Munster, even from Waterford to the head of Smeereweeke, which is about six-score miles, he would not meet any man, woman, or child, saving in towns and cities; nor yet see any beasts, but the very wolves, foxes, and other like ravening beasts, many of them lying dead, being famished, and the residue gone elsewhere.' . . .

"'From Dingle to the Rock of Cashel,' said an Irish annalist, 'not the lowing of a cow nor the voice of the ploughman was that year to be heard.' The troops of Sir Richard Percie 'left neither corne, nor horn, nor house unburnt between Kinsale and Ross.' The troops of Captain Harvie 'did the like between Ross and Bantry.' The troops of Sir Charles Wilmot entered without resistance an Irish camp, where 'they found nothing but hurt and sick men, whose pains and lives by the soldiers were both determined.' The Lord President, he himself assures us, having heard that the Munster fugitives were harboured in certain parts of that province, diverted his forces thither, 'burnt all the houses and corn, taking great preys, . . . and harassing the country, killing all mankind that were found therein.' From thence he went to other parts, where 'he did the like, not leaving behind him man or beast, corn or cattle, except such as had been conveyed into castles.' Long before the war had terminated, Elizabeth was assured that she had little left to reign over but ashes and carcases. It was boasted that in all the wide territory of Desmond not a town, castle, village, or farmhouse was unburnt, and a high English official, writing in 1582, computed that in

six months more than 30,000 people had been starved to death in Munster, besides those who were hung or who perished by the sword. Archbishop Usher afterwards described how women were accustomed to lie in wait for a passing rider, and to rush out like famished wolves to kill and to devour his horse. The slaughter of women as well as of men, of unresisting peasants as well as of armed rebels, was openly avowed by the English commanders. The Irish annalists told, with horrible detail, how the bands of Pelham and Ormond 'killed blind and feeble men, women, boys and girls, sick persons, idiots, and old people;' how in Desmond's country, even after all resistance had ceased, soldiers forced men and women into old barns which were set on fire, and if any attempted to escape they were shot or stabbed; how soldiers were seen 'to take up infants on the point of their spears, and to whirl them about in their agony; how women were found 'hanging on trees with their children at breasts, strangled with their mothers' hair.'

"In Ulster, the war was conducted in a similar spirit. An English historian, who was an eye-witness of the subjugation of the province, tells us that 'Lord Mountjoy never received any to mercy but such as had drawn the blood of some of their fellow-rebels.' Thus McMahon and McArtmoyle offered to submit, but neither could be received without the other's head.' The country was speedily subdued by starvation. 'No spectacle was more frequent in the ditches of towns, and especially in wasted countries, than to see multitudes of these poor people dead, with their mouths all coloured green by eating nettles, docks, and all things they could rend above ground.' In the single county of Tyrone, 3000 persons in a few months were starved. On one occasion Sir Arthur Chichester, with some other English officers, saw three small children—the eldest not above ten years old—feeding off the flesh of their starved mother. In the neighbourhood of Newry famine produced a new and appalling crime. It was discovered that some old women were accustomed, by lighting fires, to attract children, whom they murdered and devoured. At last, hunger and the sword accomplished their work; Tyrone bowed his head before the storm, and the English ascendency was supreme."—Lecky, "History of England in the Eighteenth Century," vol. ii. chapter on "Ireland."

C.

WILLIAM III.

"To William, as might be expected, Mr. Froude is very hostile. No instance of popular injustice is indeed more striking than that which, in Ireland at least, has associated with religious bigotry the name of one who far exceeded in enlightened tolerance any other ruler of his time, and whose calm, calculated, and inflexible humanity remained unchanged amid the fierce convulsions of sectarian and of civil strife. He was determined not to leave in Ireland the memory of another massacre like that of Drogheda. He consistently employed all his influence to secure for the Catholics religious liberty; and before the battle of Aghrim he proposed a policy which, if it could have been carried out, would have done more than any measure since the time of Strongbow to stanch the wounds of the suffering people. 'Touched by the fate of a gallant nation that had made itself the victim of French promises,' says Sir Charles Wogan, 'the Prince of Orange, before the decisive battle of Aghrim, offered the Irish Catholics the free exercise of their religion, half the churches in the kingdom, and the moiety of their ancient possession.' By the articles of the capitulation of Limerick he guaranteed to the Catholics the religious liberty they enjoyed under Charles II., and it was not his fault if the treaty was afterwards broken."—Lecky's reply to Mr. Froude's "English in Ireland," *Macmillan's Magazine*, Jan. 1873, p. 256.

D.

THE DIOCESAN FREE SCHOOLS

"An Act was passed, 12 Eliz. c. 1, for erecting free schools in every diocese, under English masters; the Ordinary paying one-third of the salary, and the clergy the rest. This, however, must have been nearly impracticable. Another Act, 13 Eliz. c. 4, enables the Archbishop of Armagh to grant leases of his lands out of the pale for a hundred years, without assent of the dean and chapter, to persons of English birth, 'or of the English and civil nation, born in this realm of Ireland,' at the rent of 4*d.* an acre. It recites the chapter to be, 'except a very few of them, both by nation, education, and custom,

Irish, Irishly affectioned, and small hopes of their conformities or assent unto any such devices as would tend to the placing of any such number of civil people there, to the disadvantage or bridling of the Irish.' In these northern parts, the English and Protestant interests had so little influence that the Pope conferred three bishoprics, Derry, Clogher, and Raphoe, throughout the reign of Elizabeth (Davis, p. 254; Leland, vol. ii. p. 248). What is more remarkable is, that two of these prelates were summoned to Parliament in 1585 (ib. p. 295), the first in which some Irish were returned among the Commons. The reputation of the Protestant Church continued to be little better in the reign of Charles I., though its revenues were much improved. Strafford gives the clergy a very bad character in writing to Laud (vol. i. p. 187); and Burnet's 'Life of Bedell,' transcribed chiefly from a contemporary memoir, gives a detailed account of that Bishop's diocese (Kilmore), which will take off any surprise that might be felt at the slow progress of the reformation. He had about fifteen Protestant clergy, but all English, unable to speak the tongue of the people, or to perform any divine offices or converse with them, 'which is no small cause of the continuance of the people in Popery still (p. 47). 'The Bishop observed,' says the biographer, with much regret, that they had all along neglected the Irish as a nation not only conquered, but undisciplinable; and that the clergy had scarcely considered them as a part of their charge; but had left them wholly into the hands of their own priests, without taking any other care of them, but the making them pay their tithes. And indeed their priests were a strange sort of people, that knew generally nothing but the reading their offices, which were not so much as understood by many of them; and they taught the people nothing but the saying their paters and aves in Latin' (p. 114). Bedell took the pains to learn himself the Irish language; and though he could not speak it, composed the first grammar ever made of it; had the Common Prayer read every Sunday in Irish, circulated catechisms, engaged the clergy to set up schools, and even undertook a translation of the Old Testament, which he would have published but for the opposition of Laud and Strafford."—Hallam, "Constitutional History," vol. iii. p. 500, n.

DECREES OF THE COUNCIL OF THURLES, IN REFERENCE TO THE NATIONAL SCHOOLS, 1850.

ARTICLE I.—The prudent course of proceeding which the Holy See has followed in regard to the system of National Education, on which it refrained from pronouncing definitively, we think we also should follow. However, we deem it to be part of our duty to declare that the separate education of Catholic youth is, in every way, to be preferred to it. We have seen with satisfaction the British Government latterly give, in England, aid towards the education of Catholic children separately, and according to the standard of Catholic religion, a right thus admitted we claim to participate in for ourselves; for, if it be just and expedient that the Catholics of Britain be aided out of the Public Treasury in the separate education of their youth, there is no reason why the faithful Catholics of Ireland should not be treated in the same manner.

ARTICLE II.—But as practically, up to the present time, aid of this kind has been refused to us, and it is only through the National Education System that we can partake of that portion of the public revenue which is appropriated to education, it behoves us to use every reasonable care for rendering it as little dangerous as possible, and particularly to bear in mind the advice and precautions which, after having carefully weighed all the dangers and advantages of the system, the Sacred Congregation of the Propagation of the Faith, by letter, dated 14th of January, 1841, recommended to the Bishops of Ireland.

ARTICLE III.—Now, these are the things which they considered should be looked to:—

1st. That all books which contain any noxious matter, either against the canon, or the purity of the sacred Scriptures, or against the doctrine of the Catholic Church, or morality, ought to be removed from the schools, and this can be the more easily effected because there is no law of the said system opposed to it.

2nd. That every effort is to be made that none but a Catholic preceptor shall give religious, moral, or historical lectures to the Catholic schoolmasters in the Model School; for it is not fitting that a Catholic should be taught the method of giving instruction in religion, or religious history, by one who is not a Catholic.

3rd. That it is much safer that literary instruction only should be given in mixed schools, than that the fundamental articles, as they are called, and the articles in which all Christians agree should alone be taught there in common, reserving for separate instruction the tenets peculiar to each sect, for this manner of acting in regard to children appears very dangerous.

4th. That, generally, the Bishops and parish priests should carefully watch that no taint be contracted by the Catholic children from this system of National instruction, through any cause whatever, and that it is also their duty strenuously to endeavour to obtain from the Government, by degrees, a better order of things, and more equitable conditions. The sacred congregation is also of opinion that it would be very useful that the school-houses should be vested exclusively in the Bishops or the parish priests. It is further of opinion, that it would be of very great advantage that the Bishops should frequently confer together on this very important subject in their Provincial Synods; but that, should anything unfavourable occur, the Apostolic See should be carefully made acquainted with it, that it may at once provide for the exigency.

ARTICLE IV.—Guided by these counsels, we consider highly objectionable the rule recently made by the Commissioners against granting aid towards the building or furnishing of school-houses, unless where the sites of these school-houses are vested in themselves. It is clear that this rule is a great obstacle to the erection of school-houses by Catholics; it is therefore of the deepest interest to Catholics that it be forthwith rescinded by the Government.

ARTICLE V.—We, therefore, prohibit Catholic trustees of school-houses, erected before the publication of this rule, from transferring them to the Commissioners. We consider that the Commissioners should supply the funds required for providing and keeping in repair the buildings, and procuring the furniture of these school-houses, even where those Catholics to whom the school-houses have been, or will be entrusted, retain the property and possession of the same.

ARTICLE VI.—We deem it dangerous for Catholic children to attend schools conducted by Protestants alone; and it is, therefore, necessary for their safe education, that, in every school frequented by them there should be at least one Catholic schoolmaster or schoolmistress in attendance. In schools where the majority of the male or female pupils is Catholic, it behoves the head-master or mistress should be a Catholic. We command

that only Catholics who are approved by the Ordinary be placed at the head of these schools.

Article VII.—It is proper that, whether in common schools or in Normal schools to which Catholics resort, the books used, even for secular instruction, should be approved by the Ordinary. The Bishops alone are to be regarded as the judges of the books used for the religious instruction of Catholic youth.

Article VIII.—In every school frequented by Catholics let there be kept a book in which shall be entered their names and religion, and let the schoolmaster be bound to see that no Catholic be present at any exercise conducted by a Protestant minister, or by any other person whatsoever not approved by the Catholic pastor. Let it be the business of the pastor *ex-officio* to watch lest anything contrary to Catholic religion take place in schools of this kind; and in case that he shall discover anything, either in the books or in the teaching, or in the mode of acting of those who are at the head of these schools, whereof he will deem it fit to complain to the Commissioners, it is quite necessary that they should entertain his complaint as that of the spiritual father of the pupils.

* * * * * *

Article XXI.—Let the parish priests, or the curates, visit every week, so far as it can be done, the approved or tolerated schools existing in their parishes, and take care that the schoolmasters, both by word and deed, give good example to the children.

Article XXII.—Let them see that no books of bad odour, or without lawful approbation, be brought into the schools, and if there be any of doubtful character let them consult their own Bishop about them.

Article XXIII.—Let them strenuously endeavour to keep from being established in their parishes any schools which are intended for injuring the faith of children, and if schools of this kind have been already established, let them prudently but effectually withdraw the Catholic children from frequenting them.

Article XXIV.—If, also, at any time there be established schools in which the parish priest's rights are not recognized, or which he is not admitted to visit, let them take care that Catholic children do not frequent them.

Article XXV.—But if the parish priest shall find that Protestant ministers or other heretics are admitted into any schools where Catholics are instructed, for the purpose of examining or teaching Catholic children or Protestants in the presence of Catholics on matters relating to the Christian

doctrine, or that they claim for themselves any right of this kind, we will that the Catholic children, lest they be exposed to dangers, be taken away from every such school.

ARTICLE XXVI.—In fine, with regard to all this business of education, we exhort the parish priests to act with great prudence and zeal, and, in difficult cases, to take counsel with their own Bishop as often as possible.

E.

THE TREATY OF LIMERICK.

ARTICLES agreed upon the third day of October, One thousand six hundred and ninety-one.

Between the Right Honourable Sir Charles Porter, Knight, and Thomas Coningsby, Esq., Lords Justices of Ireland, and his Excellency the Baron De Ginckle, Lieutenant-General and Commander-in-Chief of the British army, on the one part;

And the Right Honourable Patrick, Earl of Lucan, Piercy, Viscount Gallmoy, Colonel Nicholas Purcel, Colonel Nicholas Dusack, Sir Toby Butler, Colonel Garret Dillon, and Colonel John Brown, on the other part.

In the behalf of the Irish inhabitants in the City and County of Limerick, the Counties of Clare, Kerry, Cork, Sligo, and Mayo.

In consideration of the surrender of the City of Limerick, and other agreements made between the said Lieutenant-General Ginckle, the Governor of the City of Limerick, and the generals of the Irish army, bearing date with these presents, for the surrender of the city, and submission of the said army; it is agreed, That,—

I. The Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland; or, as they did enjoy in the reign of King Charles II; and their Majesties, as soon as their affairs will permit them to summon a Parliament in this kingdom, will endeavour to procure the said Roman Catholics such further security in that particular as may preserve them from any disturbance upon the account of their said religion.

II. All the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and soldiers now in arms, under any commission of King James, or those authorized by him to grant the same in

the several Counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them, and all the commissioned officers in their Majesties' quarters, that belong to the Irish regiments now in being, that are treated with, and who are not prisoners of war, or having taken protection, and who shall return and submit to their Majesties' obedience; and their and every of their heirs shall hold, possess, and enjoy all and every their estates of freehold and inheritance; and all the rights, titles, and interest, privileges and immunities which they, or every, or any of them held, enjoyed, and were rightfully and lawfully entitled to in the reign of King Charles II., or at any time since, by the laws and statutes that were in force in the said reign of King Charles II., and shall be put in possession, by order of the Government, of such of them as are in the King's hands, or the hands of his tenants, without being put to any suit or trouble therein; and all such estates shall be freed and discharged from all arrears of Crown rents, quit rents, and other public charges, incurred and become due since Michaelmas, 1688, to the day of the date hereof, and all persons comprehended in this article shall have, hold, and enjoy all their goods and chattels, real and personal, to them, or any of them, belonging and remaining either in their own hands, or in the hands of any persons whatsoever, in trust for, or for the use of them, or any of them; and all and every the said persons, of what profession, trade, or calling soever they be, shall, and may use, exercise, and practise their several and respective professions, trades, and callings, as freely as they did use, exercise, and enjoy the same in the reign of King Charles II., provided that nothing in this article contained be construed to extend to, or restore any forfeiting person now out of the kingdom, except what are hereafter comprised; provided also, that no person whatsoever shall have, or enjoy the benefit of this article that shall neglect or refuse to take the oath of allegiance made by Act of Parliament in England in the first year of the reign of their present Majesties, when thereunto required.

III. All merchants, or reputed merchants, of the City of Limerick, or of any other garrison now possessed by the Irish, or of any town or place in the Counties of Clare or Kerry, who are absent beyond the seas, that have not borne arms since their Majesties' declaration in February, 1688, shall have the benefit of the second article in the same manner as if they were present, provided such merchants and reputed merchants do repair into this kingdom within the space of eight months from the date hereof.

IV. The following officers, viz. Colonel Simon Lutterel, Captain Rowland White, Maurice Eustace of Yermanstown, Chieveas of Maystown, commonly called Mount Leinster, now belonging to the regiments in the aforesaid garrisons and quarters of the Irish army, who were beyond the seas, and sent thither upon affairs of their respective regiments, or the army in general, shall have the benefit and advantages of the second article, provided they return hither within the space of eight months from the date of these presents and submit to their Majesties' Government, and take the above-mentioned oath.

V. That all and singular the said persons comprised in the second and third articles shall have a general pardon of all attainders, outlawries, treasons, misprisions of treasons, premunires, felonies, trespasses, and other crimes and misdemeanours whatsoever, by them or any of them, committed since the beginning of the reign of King James II., and if any of them are attainted by Parliament, the Lords Justices and Generals will use their best endeavours to get the same repealed by Parliament, and the outlawries to be reversed gratis, all but writing clerk's fees.

VI. And whereas these present wars have drawn on great violence on both parts; and that if leave were given to the bringing all sorts of private actions, the animosities would probably continue that have been too long on foot and the public disturbances last; for the quieting and settling therefore of this kingdom, and avoiding those inconveniences which would be the necessary consequence of the contrary, no person or persons whatsoever comprised in the foregoing articles shall be sued, molested, or impleaded at the suit of any party or parties whatsoever for any trespasses by them committed, or for any arms, horses, money, goods, chattels, merchandises, or provisions whatsoever, by them seized or taken during the time of the war. And no person or persons whatsoever, in the second or third articles comprised, shall be sued, impleaded, or made accountable for the rents or any mean rates of any lands, tenements, or houses by him or them received, or enjoyed in this kingdom since the beginning of the present war to the day of the date hereof, nor for any waste or trespass by him or them committed in any such lands, tenements, or houses; and it is also agreed that this article shall be mutual and reciprocal on both sides.

VII. Every nobleman and gentleman comprised in the said second and third articles shall have liberty to ride with a sword and case of pistols if they think fit, and keep

a gun in their houses for the defence of the same, or for fowling.

VIII. The inhabitants and residents in the City of Limerick and other garrisons shall be permitted to remove their goods, chattels, and provisions out of the same without being viewed and searched, or paying any manner of duties, and shall not be compelled to leave the houses or lodgings they now have for the space of six weeks next ensuing the date hereof.

IX. The oath to be administered to such Roman Catholics as submit to their Majesties' Government shall be the oath above said, and no other.

X. No person or persons who shall at any time hereafter break these articles, or any of them, shall thereby make, or cause any other person or persons to forfeit or lose the benefit of the same.

XI. The Lords Justices and General do promise to use their utmost endeavours that all the persons comprehended in the above-mentioned articles shall be protected and defended from all arrests and executions for debt or damage for the space of eight months next ensuing the date hereof.

XII. Lastly the Lords Justices and General do undertake that their Majesties will ratify these articles within the space of eight months or sooner, and use their utmost endeavours that the same shall be ratified and confirmed in Parliament.

XIII. And whereas Colonel John Brown stood indebted to several Protestants by judgment of record, which appearing to the late Government, the Lord Tyrconnel, and Lord Lucan took away the effects the said John Brown had to answer the said debts, and promised to clear the said John Brown of the said debts, which effects were taken for the public use of the Irish, and their army from freeing the said Lord Lucan from his said engagement, passed on their public accounts for payment of the said Protestants, and for preventing the ruin of the said John Brown, and for satisfaction of his creditors at the instance of the Lord Lucan, and the rest of the persons aforesaid, it is agreed that the said Lords Justices and the said Baron De Ginckle shall intercede with the King and Parliament to have estates secured to Roman Catholics by articles and capitulation in this kingdom, charged with and equally liable to the payment of so much of the said debts as the said Lord Lucan, upon stating accounts with the said John Brown, shall certify under his hand that the effects taken from the said Brown amount unto, which accompt is to be stated, and the balance certified by the said Lord Lucan in one-and-twenty days after the date hereof.

For the true performance hereof we have hereunto set our hands.

Present :—

Scravenmore.	Chas. Porter.
H. Maccay.	Thos. Coningsby.
T. Talmash.	Bar. De Ginckle.

And whereas the said City of Limerick has been since, in the pursuance of the said articles, surrendered unto us. Now know ye that we having considered of the said articles are graciously pleased hereby to declare that we do for us, our heirs and successors, as far as in us lies, ratify and confirm the same, and every clause, matter, and thing therein contained. And as to such parts thereof, for which an Act of Parliament shall be found to be necessary, we shall recommend the same to be made good in Parliament, and shall give our royal assent to any bill or bills that shall be passed by our two Houses of Parliament to that purpose. And whereas it appears unto us that it was agreed between the two parties to the said articles, that after the words Limerick, Clare, Kerry, Cork, Mayo, or any of them in the second of the said articles the words following, viz. : "And all such as are under their protection in the said counties" should be inserted and be part of the said articles, which words having been casually omitted by the writer, the omission was not discovered till after the said articles were signed, but was taken notice of before the second town was surrendered; and that our said justices and general, or one of them, did promise that the said clause should be made good, it being within the intention of the capitulation and inserted in the foul draft thereof, our further will and pleasure is that we do hereby ratify and confirm the said omitted words, viz. : "And all such as are under their protection in the said counties" hereby for us, our heirs and successors, ordaining and declaring that all and every person and persons therein concerned shall and may have, receive, and enjoy the benefit thereof in such and the same manner as if the said words had been inserted in their proper place in the said second article, any omission, defect, or mistake in the said second article in anywise notwithstanding. Provided always, and our will and pleasure is, that these our letters patent shall be enrolled in our Court of Chancery, in our said kingdom of Ireland within the space of one year next ensuing. In witness, &c., witness ourself, at Westminster, the twenty-fourth day of February, anno regni regis et reginæ Gulielmi & Mariæ quarto per breve de privato sigillo. Nos autem tenorem premissor. predict. Ad requisitionem attorn. general.

domini regis & dom[illegible] regnis pro regno [illegible]. Dux-
mus exemplificand. per presentes. In cujus rei testimonium
has litteras notras fieri fecimus patentes. Testibus nobis ipsis
apud Westmon. quinto die Aprilis annoq. regni eorum quarto.

BRIDGES.

Examinat. per nos. { S. Keck. / Lacon Wm. Childe. } In Cancel. Magistros.

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